TECHE
UDINE

MANOSCRITTI

FONDO JOPPI

Manoscritto n. J_MSS_0664

I manoscritti che compongono compongono il fondo, assieme alle migliaia di testi a stampa - compresi rari incunaboli e cinquecentine - il Fondo Joppi, sono quasi esclusivamente di interesse friulano. La raccolta si è formata nell'arco di una sessantina di anni grazie alle ricerche di Vincenzo ed Antonio Joppi.

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Sentenze del
Tribunale Patriar.
sec. XVI e XVII.

664
Joppi

In Materia di Preti et Chiese

a pagina 143 si trova che le scritture di queste Allegazioni e Sentenze erano dei Nobili di Prampero, cioè Marcantonio Vicario Patriarcale

Tribunale Patriar

Sentenze del Tribunale Patriarcale di Aquileja nel secolo XVI. e XVII.

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C. A. di Prampero
22/3 97.

Alleg.ᵃ

Contra petitionem [illegible] in integrum adversus [illegible] restitutionem [illegible] 3.

Ad gerendam [illegible] [illegible] [illegible] [illegible] [illegible] confirmatione 3.

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An [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] liberis [illegible] matrimonij, et an [illegible] [illegible] [illegible] [illegible] in possessionem bonorum [illegible] 171.

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[illegible] [illegible] in causa homicidij [illegible] 186.

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lett[?]

1 An obstet l[?]s sententia saltem ad effectum et prius respondi debeant expensas solutae

2 An filia Adultera nata ex matre virgine et contrahere matrimonio cum alio sit capax dotis per patrem in testamento legatae. non prout de uxore in eadem pro[?] ag[?] mihi damnate [?]

3 An obstet exceptio aditae hereditatis cum beneficio legis, et inventarij non obstat [?] defectus

4 An obstet exceptio quod d. Magdalena sit heres q. Pauli quod promisit manutenere terrenum de [?], ut sic quem de evictione tenet actio eundem agentem repellat exceptio.

Quoad 2m. dubium videndus est Decia. in q[?]. 83. vol. 2. nu. 24. et 25. qui tenet quod spurius succedere non potest etiam ex testamento, etiam si id consentirent venientes ab intestato. quia sic tolleret contrarius in casu de quo agitur, quod heredes videntur consensisse solvere legatum, quod tamen ibi tenet Decia. quod relictum, [?] spurio fisco applicetur, et contrarium eandem opinionem, quod multo quod immo cognatis proximioribus applicetur. de quo [?] Cras. quaest. 9. [?] [?].

Filio spurio pater dotem potest relinquere l. mag[?]. [?] in foro [?]. Cras. [?]. 150. n. 17. [?] vol. 1. [?]. 246. & sequ[?]. quod procedit in omnibus [?] [?]. Rol. cons. 74. vol. 1. n. 42.

Dos data filiae spuriae ex morte redibit ad heredes patris non autem transibit ad heredes ipsius filiae† fallit si esset expresse dictum ut relicta pro dote ad heredes transiret quia procedit cum [?] possit etiam [?] legitimum et hoc legitis 2o. fallit ubi maritus lucratur dotem ex forma [?] mortua uxore [?] tunc dotem data filiae spuriae a patre mortua illa non revertitur ad patrem vel heredes sed remanebit penes maritum. Gabriel. com. conclu. [?]. 6. n. 13. [?] et [?] Rol. a Val. in q. 74. vol. 1. nu. 66.

† Cras. [?]. 42. n. 2.

Pro q(uondam) Antonio Fracca
contra
Dominico Zanotto
Alleg.

Factum se habet quod de anno 1592. 21. Novemb. q(uondam) d. Julius Fratin vendidit quandam suam possessionem in villa [illegible] sub iurisdictione Methone pretio d. 500 Dominico Zanotto, reservavit sibi ~~[illegible]~~ ipse quotannis de livello [illegible] exigendi a Dominico emptore [illegible] ut fol. 10.

De anno 1596 20. [illegible] d. Leonora Fratin uxor et procuratrix q. d. Julij eius mariti vendidit Antonio Fracca molendinum [illegible] unum [illegible] et [illegible] sibi solvi debitis per d. Dominicum Zanottum, qui quidem Dominicus praesens celebrationi contractus promisit de cetero solvere [illegible] illud [illegible] d. Antonio Fracca omni exceptione remota. ut fol. 2.

De anno 1596 [illegible] Dominico Zanotto [illegible] livellum [illegible]

Deinde 1595. 29. Novemb. d. Leonora vendidit 4. [illegible] [illegible] d. [illegible] sibi debita per Zanottum qui similiter praesens stipulationi promisit de cetero solvere d. [illegible] Antonio Fracca sub obligatione omnium bonorum suorum ut fol. 4.

Ex consequenti ~~[illegible]~~ isto livello [illegible] Antonius Fracca emptor d. d. Julij Fratin de anno 1599. 21. [illegible] pignorare fecit Dominicum Zanottum debitorem ut fol. 1. Zanottus dixit nullo ius competere exigendi neque in ordine neque in merito, in ordine quia debuit prius procedere contra [illegible] ac condemnatio [illegible], cum nulla [illegible] Antonius Fracca possit [illegible] praetium exigendi. in merito quia [illegible] [illegible] [illegible] [illegible] [illegible] fuit [illegible] d. Nicolai Fratin praetendentis [illegible] livellum [illegible] et ulterius [illegible] [illegible] [illegible] per literas [illegible] [illegible] [illegible] [illegible] Antonij [illegible] fuerit creditoris d. Julij Fratin, unde cum ipse Zanottus fundum illum emerit a d. Julio Fratin, et ipse ~~[illegible]~~ de evictione promiserit sub obligatione omnium suorum bonorum, et cum inter alia bona [illegible] tempore [illegible] [illegible] illud ius exigendi [illegible] [illegible] [illegible] [illegible] in praeiudicium [illegible] [illegible] hypothecae, et propterea [illegible] [illegible] [illegible] sibi competere [illegible] ad [illegible] molestiam [illegible] d. Nicolai Fratin [illegible], quam [illegible] [illegible] [illegible]. [illegible] tamen [illegible] [illegible] [illegible] molestiae, ac refectione damnorum, [illegible] ut in eius scriptura fol. 6. et fol. 9.

[illegible] primarij [illegible] Methone quod Dominicus Zanottus debeat ~~[illegible]~~ exhibere in [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] et [illegible] [illegible] [illegible] Antonio Fracca [illegible] [illegible] [illegible] ut fol. 15.

Appellavit Fracca ab ista [illegible], quae nulla [illegible] [illegible], et nunc petit declarari male iudicatum, et bene [illegible] appellatum [illegible] confirmari [illegible] [illegible] [illegible] fundatum et in ordine, et in merito.

In ordine, nam licet ipse non exegerit livellum illud a Dominico Zanotto, [illegible] [illegible] [illegible] a d. Julio Fratin eius auctore et propterea [illegible] [illegible] etiam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] active, et passive transit in successores, [illegible] ut [illegible]

in re non possit excipere [illegible], et [illegible] in iure non posse [illegible] quod ipse non [illegible], nam [illegible] [illegible] persona [illegible], et [illegible] [illegible] non variatur [illegible] [illegible] [illegible] de [illegible] delega. l. 1. in [illegible] de [illegible] [illegible] et [illegible] non variatur [illegible] l. 2. [illegible] [illegible] [illegible] [illegible] [illegible] 629. et [illegible] M. Antonius [illegible] de [illegible] artic. 46. n. 19. in [illegible] [illegible] fundata, quia [illegible] instrumenta [illegible] ipse [illegible] [illegible] [illegible] D. Julius Fabius [illegible] etiam dominico Zanetto, et promittente de [illegible] [illegible] ipsum [illegible] Antonii Fabii [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fol. 2. et fol. 4. unde quando etiam [illegible] [illegible] [illegible] [illegible] [illegible] fundi [illegible] [illegible] fuisset [illegible] [illegible] de [illegible], [illegible] quando [illegible] D. Julius Fabius [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] nil [illegible] [illegible] [illegible] promissione [illegible] Zanetto, et [illegible] molestia non [illegible] [illegible] [illegible] [illegible] Antonii Fabii; [illegible] [illegible] Zanettus [illegible] promisit, et se obligavit [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] molestiam, et eam [illegible] remisisse [illegible], et tunc non posse [illegible] [illegible] [illegible] [illegible] est delegatio [illegible] [illegible], sed [illegible] delegationem [illegible] est D. Julius Fabius [illegible] [illegible]. [illegible] est in [illegible] [illegible] in l. [illegible] delegatione. ff. de [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. et [illegible] ad [illegible] [illegible] D. Nicolai Fabius non [illegible] [illegible] ignorantia [illegible] [illegible] se obligavit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] fuit [illegible] 15. Iulii 1596. [illegible] 18. et instrumentum [illegible] [illegible] est de anno 1596. [illegible] [illegible] et 29. Novemb. fol. 2. [illegible] et fol. 4. unde [illegible] [illegible] non [illegible] promiserit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] se [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] in promissione Zanetti, [illegible] Zanettus [illegible] molestiam non [illegible] [illegible] [illegible] Antonii Fabii [illegible] D. Julii Fabius, debet [illegible] [illegible] indemnitatem D. D. Julius, [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] obligat [illegible] et manutenere fundum [illegible] [illegible] D. Julius [illegible] [illegible] pro hoc libello habet obligationem non [illegible] [illegible] D. Julii, [illegible] [illegible] Zanetti. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] declarari [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] obligationem Zanetti [illegible] [illegible] Antonii Fabii [illegible] [illegible] manutenere, quia [illegible] [illegible] Zanetti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] D. [illegible] Fabius [illegible] [illegible] [illegible] Zanettus, [illegible] [illegible] debuit [illegible] [illegible] Fabii [illegible] [illegible] Zanetti [illegible] [illegible] manutentionem fundi della [illegible] [illegible] D. Julius Fabius [illegible] [illegible] nunquam in [illegible] [illegible] [illegible] [illegible] D. [illegible] molestias [illegible] est [illegible] quod [illegible] molestias [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] Antonii Fabii [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] confirmari, [illegible] [illegible] [illegible] dominico Zanetto [illegible] D. Julius Fabius [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] est quod [illegible] Zanettus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] obligatio [illegible] [illegible] [illegible] Julii Fabius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] promissione et obligatione [illegible] [illegible] [illegible] manutenere [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

3

Pro R. pastore ... Cardulo et coi. fratris Alleg.

digne et R.mo d[omi]no Licentiand. veniam sed vere, et homines dictae famil. a petito restitutionis in integrum ... desertionem ... tum quia ... reddere ... in ... iudicum ut probatur ... lib. 7. ... n.o 43. tum quia non constat de ullo impedimento ... ob quod d.i homines non potuerint finire appellationem ... anno post ... c. cum ... de appella. ... Cod. quinimo nec ullam in prosequenda appellatione ... diligentiam adhibuerunt, ut tamen commode ... facere potuerint ... qui non ... dictum ... Immo autem magis Licentiandi veniunt cum ex omni latere detegatur eorum malafides ... et firmum ... expensis ... adeo ut ... eorum ... et inconveniens esset ut illis ... amicabilis ... quos ... mandatum ... inconvenientes, ut constat ... homines dicte fami ... relationibus ... productis in processu ...

Pro R. Drampero cum R. Abbate Lemquen[?] Alleg. ad petendam revocationem sequestri ... fructuum

R. Abbatis ... pro consequendo ... Martinulis[?] de S.to Martino sequestrare fecit quinque petias terre. ... contradicit R. D. Franciscus Drampenus pro duabus petiis ... alteram vocatam il campo longo, alteram ... ut fol. 1. ... fol. 2. ... dicit nullum ius competere sequestrandi, ... R. Abbatiam esse in possessione exigendi ... a ... d. Bartholomeo Alberti eius auctore, neque unquam exegisse ... contemplatione earum terrarum ut fol. 17. ... R. Abbatis pro fundamento sui sequestri produxit partitas exactionum ... ab anno 15... usque ad annum 159... fol. 4. ... produxit ... ad annum 1597 ... Junii ... homines ... in executionem mandati ... fol. 12. ... fol. 29. ... produxit ... dictum ... quod sequestra ... contra ... unam latam in favorem ... Leonardum de Dumpicha[?] ... fol. 41. ... latam ... in favorem d. Leonardi ... a ... de ... fol. 49. ... in favorem nob. d. Pamphili ... d. Francisci Dotton ... fol. 14.

Quibus tamen omnibus non obstantibus revocandum venit sequestrum R. Abbatis cum ... contradictione d. Drampeni cum expens. Nam sequestrum ... possessio ... considerari potest vel ratione personae, quae solvit, vel ratione loci unius respectu solvit. ratione personae non potest dici R. Abbatiam in possessione exigendi quia nunquam exegit ... R. Drampero, neque a d. Bartholomeo Alberti eius auctore, qui ... possederunt ... per ... annos, ... omnes partitas exactionis R. Abbatis fol. 4. ... nomination: et ... de anno 159... fol. ... R. Drampenus ... loco ... Martinulis[?], quod ... in ... Non potest etiam dici R. Abbatiam contemplatione terrarum pro quibus contradicit exegisse ... sequestrum subsistere nullo modo potest, ... pendente lite, ... et ... de mandatis, quod ... pendente lite ... patet nam R. Drampenus emit ... anno 159... a d. Bartholomeo Alberti

tunc Dd. [illegible] ut probatur per testes [illegible] pro cap. [illegible] fol. 18 nempe
p[us] testem fol. 22. t°. 2[us] testem fol. 25. et 3[us] fol. 26. [illegible] Albertis [illegible]
[illegible] D. Bartholomeo Alberti pro parte [illegible] ut probatur
per testes [illegible] cap. fol. 18. t°. nempe p[us] fol. 23. 2[us] fol. 24. t°. 3[us] fol. 25.
et constat ex eisdem [illegible] esse eo processu incepto de anno 1583. producto fol. 32 usque
ad fol. 38. qui quidem processus est ineffectivus, ut refertur [illegible] fol. 37. t°,
unde [illegible] cum conspiratio facta fuerit de anno 1592. [illegible] tantummodo illi facta gaudere
lite, [illegible] publica, quamvis probabitur etiam hoc respectu conspiratio non posset [illegible]
[illegible] ratione ubi unica fit et illa recens, quia testes examinati non [illegible] non
probant c. 2. ubi not. Dd. de testib. Bal. in l. [illegible] c. eo. et testes non [illegible]
[illegible] omnibus partibus interest. Spec. de deleg. § [illegible] verb. [illegible] regulam.

Dato autem minoris considerationis esse debet in casu de quo agitur [illegible] habita
ratione quod conspiratores fuerint Jacobus Chiappus, ~~et [illegible] Molendinarius~~
ut fol. 29. t°. qui [illegible] ad se [illegible]. Nam Jacobus
~~Chiappus [illegible] conspirator~~ [illegible] Dd. Albertis [illegible] Dd. partibus [illegible]
ab anno 1581. fol. 8. t°. [illegible] processum [illegible]
[illegible] fol. 34. t°. [illegible] Jacobus Chiappus [illegible] relevare [illegible] a molestia
[illegible] Dd. Albertis pro portione ipsi tangente. et tamen in conspiratione [illegible]
quod ipse possideat aliam petiam terrae de [illegible] Dd. Albertis. ~~[illegible]~~ [illegible]
[illegible] Dd. Brampen fol. 42. t°. [illegible] fol. [illegible] ~~Albertis~~
~~[illegible]~~ [illegible] et [illegible] Dd. Albertis [illegible]
~~Molendinarius [illegible]~~ [illegible] Dd. Albertis. [illegible] accedit quod conspiratio
[illegible] Petrus [illegible] de
[illegible] petias terrae, [illegible] compossessores nempe Dd. Brampen et [illegible] Dd. Albertis [illegible]
[illegible], Joannem Mariam del Compagno ut fol. 40. et tamen [illegible] Dd. Albertis [illegible]
[illegible] ~~[illegible]~~ de anno 1586. [illegible] in genere, [illegible]
[illegible] compossessores, [illegible] relevarent a molestia [illegible]
Dd. Albertis. ut patet ex [illegible] processum [illegible] fol. 24. ~~[illegible]~~
nempe Leonardo [illegible], [illegible], ~~[illegible]~~ [illegible], et [illegible]
[illegible] Dominicus [illegible], Jacobus Chiappus, ~~[illegible]~~ [illegible]
[illegible] Mariam [illegible], Leonardus [illegible], et Jacobus de [illegible], et Jacobus [illegible]
[illegible] de [illegible] ut fol. 35. t°. unde ~~[illegible] conspiratio~~ manifeste patet
quod isti [illegible] Dd. Brampen ~~[illegible]~~ [illegible] ipsi
[illegible] fore [illegible]; unde nullam merentur fidem ~~[illegible]~~
[illegible] et [illegible].
[illegible] accedit quod Dd. Albertis in [illegible] partibus [illegible] de anno 1590. fol. [illegible] ut [illegible]
[illegible] Dd. D. Franciscus [illegible] esse [illegible], [illegible]
[illegible], quod tamen [illegible], quia [illegible] manendo, [illegible]
[illegible] ubi colonus manere [illegible], et ~~[illegible]~~ conspiratores
[illegible] fol. 4. [illegible] quod [illegible] terras habeant [illegible].
Postremo conspiratores [illegible] mendacium [illegible] publica, et ex eadem
[illegible] Dd. Albertis, [illegible] conspirationis fol. 40.
[illegible] D. Bartholomeum Alberti [illegible] terras ab Andrea del ~~Compagno~~

5

pate Gregorij, et tamen loco ipsius, quia immo emit à Marco Martinutio de anno 1574. ut constat publico instrumento producto fol. [illegible]

Praeterea confirmationes dicunt quod ipse capella D. [illegible] Marco, et Mattheo Martinutti [illegible] spectat [illegible] Albania et [illegible], et tamen si [illegible] omnes partitas [illegible] [illegible] Albertus, magnam esse [illegible] quod Marcus dicit Mattheus [illegible] [illegible]. [illegible]

Non obstante [illegible] seu casus sequentis producti per D. Albania a [illegible] factum est mentio quia conventio nostra [illegible] hoc [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] possideat bona in specie dominii, sed conventio nostra est quod D. Brampenus possideat bona D. Albertis, et hoc est quod ipse [illegible] [illegible] quid quam alium legitime [illegible] [illegible]. Duo [illegible] in casu D. Capituli D. Leonardi Mistinti, et [illegible] D. Pamphili [illegible] hoc [illegible], [illegible] [illegible] [illegible] in dubio,

Nam [illegible] Leonardutij de Pamphilia [illegible] D. Capituli emerat à Garatis, ut fol. 57. et Garatij erant coloni D. Capituli ut in actu eiusdem fol. 55. et [illegible] dicitur [illegible] fol. 16. ipsos emisse à colonis, et [illegible] [illegible] [illegible] habere [illegible] [illegible], quam haberent coloni. [illegible] omnia bona [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] esse [illegible] [illegible] contrarium [illegible] et bona in specie dominii [illegible]. [illegible] de [illegible]. [illegible] n.° 76. [illegible] g.° 167. lib. 2. [illegible] g.° 217. in fin. [illegible] g.° 194. n.° 3. vol. 2. ~~[illegible]~~ ~~[illegible] [illegible] [illegible] [illegible] à colonis D. Albertis, et~~ unde non mirum [illegible] accedente [illegible] confirmatione [illegible] [illegible] habito D. Capituli. Sed D. Brampenus non emit [illegible] [illegible] [illegible] à colonis D. Albertis unde cum ipso non militat ista praesumptio.

Similiter in casu D. Leonardi Mistinti ipse habebat petiam terrae separatam [illegible] [illegible] in Brada, in specie dominii ut constabat ex suis instrumentis 1571. 27. Martij fol. 19. et 1533. 21. April. fol. 61.

[illegible] etiam habebat [illegible] D. Pamphilius de Belgrado ut constat ex eius instrumento 1512. 22. Maij fol. 64. et eius [illegible] fol. 67. [illegible] [illegible] [illegible] processit [illegible] [illegible] [illegible] sine [illegible] producto [illegible] D. Petri [illegible] fol. 58. et [illegible] fol. 62. [illegible] fol. 58. et in medio [illegible] per D. Brampenus [illegible] ostendens casus diversitatem.

Nam D. Albania non docet de [illegible], non de locatione, neque aliis istis petiis terrae fuerunt separatae, neque [illegible] emerit à D. Brampeno, neque à D. Bartholomeo Albertis eius [illegible], neque à Marco, et Mattheo Martinutij à quibus ipse acquisivit, unicum [illegible] [illegible] [illegible] habet confirmationem, non [illegible] sed recentem, factam pendente lite [illegible] [illegible] à personis [illegible], qui in deponendo [illegible], et qui [illegible] [illegible] de [illegible] [illegible] instrumentis [illegible] publica: unde [illegible] [illegible] [illegible] fundamentum quod ista petia terrae spectent ad

18. Abbatiam [illegible] [illegible] [illegible]
[illegible] Abbatis [illegible]
[illegible] idem [illegible]
[illegible] generalibus [illegible]

Nullo [illegible] [illegible] [illegible] de [illegible]
[illegible]

[illegible]

[illegible] de anno 1570 [illegible]

[illegible]

[illegible] de anno 167 [illegible]
[illegible] de anno 168 [illegible]
[illegible]

[illegible] sententiam ad [illegible]
[illegible] potentia [illegible]
[illegible] mansum [illegible]
[illegible] de novo [illegible] possidere [illegible]
[illegible]
[illegible] ~~ad [illegible] pertinentiis~~ [illegible]
[illegible] pertinentiis [illegible]
[illegible] tamen [illegible]
[illegible] tamen quod non [illegible] clemens [illegible]
[illegible] D. Patriarcha [illegible] depositum [illegible]
[illegible] in [illegible]
[illegible] Antonius [illegible]
[illegible] 875 [illegible] fol. 24. [illegible] tamen
[illegible] Galerani [illegible]
[illegible] fol. 3 [illegible] 1180 [illegible] 30.
[illegible] Patriarcha de [illegible]
[illegible] fol. 35. [illegible]
[illegible] 32. [illegible]
~~[illegible]~~ facta [illegible] Galerani [illegible]
[illegible] 1224 [illegible] fol. 13. [illegible] tamen [illegible]
[illegible] depositum [illegible] de [illegible]
[illegible] D. Patriarcha [illegible] tamen
[illegible]
[illegible] Galerani [illegible]
[illegible] fol. 7. [illegible] Galerani debeat [illegible]
[illegible] Galeran [illegible]
[illegible]
[illegible] de [illegible] Galerani [illegible]
[illegible] esse [illegible]
[illegible] Galerani [illegible]
[illegible] decem annis [illegible]
[illegible] Galerani [illegible]
[illegible] Albano [illegible]
[illegible] annos [illegible]
[illegible] 1187 [illegible] 8 [illegible]
[illegible]
[illegible]

fol. 31. et fecit ex certa scientia volwentis [illegible] [illegible] [illegible]
anno 1559 usque ad annum 1580 [illegible] gratiam [illegible] Valentini [illegible]
apparet fol. 6. usque ad fol. 8. [illegible]
[illegible] semper [illegible] anno 1586 [illegible]
fol. 8. [illegible] etiam partem [illegible]
[illegible]

Et [illegible] presumptio [illegible] [illegible] [illegible]
[illegible] probatio [illegible]
[illegible]
[illegible]
[illegible]
in [illegible] anno 1543 [illegible] n.o 6 [illegible]
[illegible] Valentino [illegible]

Tamen [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] nullo pacto [illegible]
[illegible]
[illegible]
[illegible]
[illegible] nam [illegible] de anno 1588. [illegible] recommendationem [illegible]
[illegible]
[illegible] fol. 88. [illegible]
[illegible]
ab anno 1588 [illegible] anno 96 [illegible]
semper [illegible] publicati [illegible] 1596 [illegible]
[illegible]
[illegible]
[illegible] fol. 45. [illegible]
[illegible] 192 [illegible] fol. 6. [illegible]
[illegible] de anno 1543 [illegible]
[illegible] Nicolao [illegible] Florentino [illegible]
[illegible] Marco de [illegible]
[illegible]
[illegible] Valentino [illegible]
[illegible]
[illegible] Nicolao [illegible]
[illegible]
[illegible] fol. 42 [illegible]
[illegible] Valentino [illegible]
fol. 44. [illegible] fol. 41. [illegible]
fol. 6. [illegible] Valentini [illegible]

[illegible] D. D. Valentinus qui emerat partem [illegible] Valentis à [illegible] [illegible]

[illegible] de anno 1563. [illegible] [illegible] [illegible] [illegible] de anno 158[illegible]

[illegible] [illegible] eius [illegible] [illegible] [illegible]

[illegible] [illegible] eandem [illegible] et pro [illegible] [illegible] [illegible]

5 de anno 1567 fl. [illegible] ad 8. sed dum per D. Valentinum emit [illegible]

[illegible] de [illegible] [illegible] [illegible] [illegible] [illegible]

per [illegible] [illegible] partis quod fuit de anno 1567 [illegible] 1586.

[illegible] ex [illegible] productis fl. 8. [illegible] [illegible] [illegible]

de [illegible] [illegible] [illegible] patri ad 8. annos [illegible]

[illegible] emere [illegible] [illegible] apparet quod [illegible] [illegible] [illegible]

[illegible] neque ab homine [illegible] sed [illegible] [illegible] familias [illegible] [illegible]

[illegible] [illegible] neque [illegible] [illegible] sed [illegible] [illegible] [illegible]

[illegible] unde D. Valentinus [illegible] filius [illegible] potens [illegible] [illegible] [illegible]

[illegible] non [illegible] [illegible] Valentis [illegible], [illegible] [illegible]

[illegible] [illegible] [illegible] semper [illegible] eius pater [illegible] [illegible] non [illegible]

[illegible], in [illegible] 1543. sed [illegible] [illegible] Valentis quod [illegible] [illegible]

publicationi [illegible] [illegible] aperte [illegible] se non [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] Nec relevant [illegible]

[illegible] [illegible] fl. 78. non partibus quia [illegible] [illegible] quod [illegible] anno 1566. Dni

Valentini [illegible] [illegible] [illegible] etiam [illegible] [illegible] [illegible]

Valentis [illegible] fl. 8. sed de anno 1567 [illegible] [illegible] et alia [illegible] D. [illegible]

Valentinus [illegible] [illegible] [illegible] [illegible] Valentis [illegible] de anno 150[illegible]

fl. 8. et [illegible] [illegible] [illegible] libri [illegible] adversarij [illegible] productis

fl. 77. [illegible] ibi [illegible] 1567. [illegible] [illegible] [illegible] [illegible] [illegible] anno

1567.

Non relevant etiam [illegible] producta fl. 78. quibus apparet quod de anno 1565 .. 6

April D. [illegible] emit unum campum [illegible] [illegible] in loco dicto [illegible]

[illegible] anno 1566. [illegible] campum in loco d[illegible] [illegible] de anno 1570 [illegible]

campum in loco d[illegible] [illegible] [illegible] quia non [illegible] [illegible] quod [illegible] [illegible]

[illegible] quia non [illegible] [illegible] quod ab [illegible] [illegible]. [illegible] minus [illegible] Valeri

capitulat campos vocatos del [illegible], [illegible] [illegible] [illegible] campi [illegible] la via de [illegible]

[illegible] capitulat [illegible] campos vocatos le [illegible] [illegible], [illegible] [illegible] [illegible] campi

[illegible] delle [illegible] [illegible] 8. [illegible] [illegible] [illegible] depositiones [illegible] [illegible] [illegible]

9. [illegible] fl. 453. [illegible] erano [illegible] capitoli [illegible] [illegible] [illegible] padre [illegible]

[illegible], [illegible] de [illegible] del [illegible] mio padre [illegible] insieme. et [illegible] depositione [illegible] [illegible]

[illegible] fl. 45. [illegible] dum dicit recordari, quod [illegible] [illegible] [illegible] del [illegible] [illegible]

[illegible] de [illegible] 6. [illegible] fl. 51. [illegible], [illegible] [illegible] che mi [illegible] [illegible] [illegible]

[illegible] [illegible]. [illegible] [illegible] capitulum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Valenis [illegible] [illegible] cadem [illegible] [illegible] [illegible] productis. [illegible] [illegible] [illegible] quod Dni Valen

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] D. Valentinus emit [illegible] campos [illegible] [illegible] 1567 [illegible] [illegible] Valentis [illegible] [illegible] [illegible]

Pro omnibus filiis Coniunctionis debet [illegible] D. Antonio [illegible]

D. Antonio filio. Allega. in causa iuris patronatus

per [illegible] Cornelia [illegible] filium [illegible] de [illegible]

filium probatur praesentatione factam per D. Antonium filium eius [illegible]

Nam ex [illegible] [illegible] de anno 1562 [illegible]
ex [illegible] D. [illegible]

in tera de anno 1569. 28 April. [illegible] (8 D. [illegible]

illius [illegible] apparet ipsos esse in [illegible] [illegible] posse [illegible]

Nam [illegible] praesentandi [illegible] [illegible] Dec. [illegible]

[illegible] no 3. [illegible] possessione [illegible] praesentandi ille [illegible]

[illegible] praesentavit [illegible] Decis. [illegible] [illegible] [illegible] in [illegible] tract.

De iur. patro. [illegible] quaest. [illegible] lib. no 6. [illegible] colligitur [illegible]

[illegible] possessionem praesentandi [illegible] probet ultimam et immediatam [illegible] [illegible] ad [illegible]

[illegible] [illegible] [illegible] possessio [illegible]

nec obstat dum [illegible] [illegible] esse factus [illegible] filius [illegible] filius quia respondeo

[illegible] quod [illegible] filius [illegible] [illegible] Dec [illegible] de reg. iur. [illegible] 83 [illegible]

item [illegible] praesentatio [illegible] [illegible] quia [illegible] praesentavit [illegible]

[illegible] non [illegible] possessione praesentandi

[illegible] praesentandi [illegible] praesentandi [illegible] [illegible]

[illegible] praesentavit [illegible] [illegible]

[illegible] possessione [illegible] praedecessor.

Lamber. in tracta. de iur. patro. [illegible] quaest. [illegible] lib. [illegible]

sed D. Antonius neque ipse praesentavit unquam neque D. Valerius eius pater unde [illegible]

[illegible] praesentatio [illegible] [illegible] praesentatio [illegible]

[illegible] [illegible] procedunt [illegible] ratione [illegible] in Patronatus.

[illegible] est [illegible] fundatione reservatum [illegible] masculis de domo [illegible] et [illegible]

feme [illegible] Nam D. Helena fundatrix [illegible] reservavit ius patronatus

sibi et suis [illegible] haeredibus; et in materia indifferenti haeredes [illegible] successorem

[illegible] Dec. [illegible] haeredem [illegible]

[illegible] de haered. [illegible] et diffe. [illegible] de haered. [illegible]

[illegible] ff. de leg. 3 [illegible] de [illegible] (de leg. [illegible]

[illegible] ff. de pom. [illegible] de [illegible] de [illegible] de [illegible]

[illegible] quod [illegible] Patronatus [illegible] et [illegible] ad feminas

[illegible] ad masculos [illegible] lib. [illegible] de iur. patro. [illegible]

[illegible] Lamberti. [illegible] in casu nostro [illegible]

ad feminas [illegible] per eius praesentavit

D. Helena
nec obstat [illegible] quia [illegible] in feminam masculus [illegible]

in [illegible] praesentavit [illegible] D. Anto. [illegible]

[illegible] quod [illegible] in [illegible]

[illegible] remanet [illegible] haeredem [illegible]

[illegible] Michael [illegible] lib. [illegible] quaest. [illegible]

[illegible] de iur. in tracta. de [illegible] n. 13. [illegible]

[illegible] valeat et [illegible] praedecessores [illegible] in [illegible] 9.

1.6. send. a. arti. 1. n. 15. et 25. Aleg. in q.° 33 n. 7. 1 Peregr. in tracta de fideicom. qui multos alleg. artic. 6. n. 37. Addit. Conan. lib. 5. resol. 16. 2. cap. 18. n. 4 et ... de communicatione c. alijs ... amplius ... interesse ... ... et ... ... in praesens aliud avertimus debet ... ... praesentium.

Juxta

Pro Mag.co D. Curtio de Coll.eta ad Cre... ... D. Comiss. ... ... Pietilliez.

Alleg.

in causa fideicommissaria et redditionis dotis ad aequalitatem ... ...

... ... satisfactionis ... ...

Subordinari debet Mag.cus D. Curtius de Collorea, et ad locum suum poni ... antianitatem temporis et privilegij ... ... interesse ... ... Curtius ... ... sufficientia onera ... ... dotis debentur, ... Roma. q.° 517. n.° 8. Orasc. decis. 132. n. 1. etiam in foro ... ... q.° 250. post n.° 7. Actm. q.° 490 post n.° 6. ... n. 13. ... ... tam in ... ... Rol. in q.° 5. vol. 4. n.° 4. et ... ... appellantur ... ... in insulam. ... ... praeter onera matrimonij ... ... dotis promissae ac debitae per matrimonium ... ... portione bonorum ... ... non liberationis, sed ... ... recompensationis ... ... vel etiam annorum redditum ... ... vel saltem ... ... cederent matrimonij ...

Nec obstat ... ... dotis, quod ipsos ... ... in dote non ... promissa, ... L. Magnam. C. de contrah. et com. stipul. ... Rol. in d. q.° 85. vol. 4. n.° 1. et Aleg. ... 74. ... 1. n. 1. et 2.

Subordinationem pro interesse debet pari passu ambulare ... dote ... ... interesse ... ... Rota ... q.° 75. vol. 4. in fin. et ... ...

... ... habeant.

Debet etiam Mag.co D. Francisco ... ... subordinari pro supplemento ... dotis ... ad aequalitatem aliarum filiarum, et sororum ... ...

2 . . . [illegible] p. de [illegible]. l. cum [illegible] in prin. C. de [illegible]. [illegible] ac [illegible]

Bal. in [illegible] . . . sed [illegible] quod [illegible] filia . . . de [illegible] [illegible] . . .

[illegible] ad supplementum dotis [illegible] in [illegible] [illegible] Mag.^{ca} D.

[illegible] quam [illegible] dotem [illegible] debeat [illegible] [illegible] [illegible]

[illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] quod non est quaestio referenda [illegible]

[illegible] ~~[illegible]~~ [illegible] esse [illegible] [illegible] . . . melius quam [illegible] [illegible] pro filia . . . nec [illegible] de [illegible]

[illegible] quod [illegible] [illegible] dare pro filia [illegible] non [illegible] [illegible]

[illegible] [illegible] . . . C. de [illegible] [illegible] . . . [illegible] in [illegible] [illegible]

Bal. a[illegible] 328. [illegible] et Dec. c.[illegible] 26. quod filia [illegible] [illegible] in dotem quam [illegible]

non potest petere supplementum: quia respondemus quod Mag.^{ca} D. Francisca [illegible]

[illegible] [illegible] [illegible] testamentum [illegible] 14. annos postea [illegible] [illegible] [illegible]

[illegible] de anno 1541 [illegible] de anno 1560. unde verisimiliter

[illegible] est quod [illegible] Mag.^{ca} D. [illegible] [illegible] [illegible]

[illegible] [illegible] quod [illegible] ~~[illegible]~~ augmentum [illegible] [illegible]

[illegible] [illegible] [illegible] filia [illegible] ~~[illegible]~~ [illegible]

[illegible] dotem D. mille [illegible] [illegible] ~~[illegible]~~

[illegible] [illegible] [illegible] beneficio [illegible] [illegible] debet

cedere in damnum ipsius D. Franciscae [illegible] [illegible] quod [illegible] [illegible]

[illegible] [illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~

[illegible] [illegible] ~~[illegible]~~ quod non [illegible] in [illegible] [illegible]

contrarium [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] quod filia [illegible] [illegible] habemus [illegible] [illegible] [illegible]

quod filia debeat [illegible] [illegible] quod habeant de hereditate [illegible]

[illegible] legitima: et [illegible] [illegible] [illegible] [illegible] quod [illegible]

[illegible] filia aliquid reliquit ~~[illegible]~~ debeant esse contenti tali relicto quamvis

[illegible] legitima [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] tamen hoc procedit respectu [illegible] vel [illegible]

[illegible] [illegible] [illegible] et non possint petere supplementum [illegible]

[illegible] debent [illegible] 145. ~~[illegible]~~ [illegible] Praeterea et

~~[illegible] [illegible]~~ [illegible] [illegible] in

[illegible] quod [illegible] D. mille [illegible] [illegible] Mag.^{ca} D. Franc. non [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] debet

Mag.^{ca} D. Francisca [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] etiam debet Mag.^{ca} D. Francisca [illegible] [illegible] [illegible] [illegible]

quod [illegible] Mag.^{ci} [illegible] Comitis [illegible] [illegible] [illegible] [illegible] Mag.^{ci}

D. Comitis [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] eiusdem ad Franciscam [illegible] [illegible]. [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Margin notes:

[illegible] in [illegible] quod [illegible] [illegible] [illegible] quod non [illegible] Bal.

[illegible] [illegible] et [illegible]

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Vide Gabriel. ubi sup. [illegible] de fideicom. conclu. 3.

[illegible] e quod filij [illegible] praedicatu loco parentis, et [illegible] in [illegible] vel amitti in parentis repraesentare [illegible] ut [illegible] [illegible] [illegible] de continere in [illegible] fideicommisso [illegible] respondemus quod [illegible] contraria sententia est communis etiam [illegible] fideicommissis descendentis nempe nepos non continetur [illegible] quia [illegible] fideicommissis [illegible] affectio [illegible] quod [illegible] [illegible] remotiorem [illegible] Decomien. ubi [illegible] lib. 8. lib. 9. col. [illegible] contrario [illegible] sed [illegible] in casu nostro [illegible] adiungam [illegible] quam late habet Mantic. ubi supra. Peregr. in tract. de fideicom. artic. [illegible] et Gabriel. [illegible] multi ut [illegible] numerosiss. [illegible] communis quia [illegible] affirmativam nempe [illegible] in fideicommissis repraesentatio [illegible] conclusionem in [illegible] nempe ut non procedat quando [illegible] qui volunt admitti in locum patris et continere ut patris essent vocati post [illegible] mortem testatoris quia tunc [illegible] [illegible] 3. conclu. 3. nu. 52. [illegible] et Mantic. ubi supra [illegible] in casu nostro [illegible] [illegible] [illegible] nepos [illegible] sed nec etiam [illegible], quia omnes [illegible] post mortem patris in matrimonio [illegible]

2° limitatur ut non procedat, ubicumque nominatis filijs testator dicat in [illegible] filiis [illegible] quia tunc non veniunt nepotes. Gabriel. ubi supra nu. 9. [illegible] alios citat, et Mantic. nu. 6. et hic est casus [illegible] si quidem in [illegible] [illegible] [illegible] quod quando eius filius [illegible] [illegible] et naturales [illegible] [illegible] legitimum [illegible] quod [illegible] [illegible] [illegible] omni [illegible] [illegible] Bal. [illegible] et [illegible] eius filij legitimi et naturales [illegible] [illegible] [illegible] quod in casu quod [illegible] eius filij decederent sine [illegible] quod tunc [illegible] eius filius succedere debeat in [illegible] [illegible] nominavit [illegible] [illegible] [illegible] nepotes non veniunt [illegible] voluntate testatoris [illegible] quae in fideicommissis dominatur.

3° limitatur, ut non procedat ubicumque substituti essent vocati nomine proprio, vel etiam ubi nominati non essent [illegible] nomine proprio, sed relative, dictos, ex [illegible] praefixis, alios, [illegible] [illegible] nomina relativa, quae pro [illegible] [illegible] relationem [illegible] [illegible] qui [illegible] de [illegible] [illegible] de [illegible] [illegible] [illegible] Peregr. de artic. [illegible] nu. 23. [illegible] quoniam qui tunc patrus [illegible] nepotes [illegible] [illegible] [illegible] [illegible] Gabriel. de conclu. 3. nu. 6. Mantic. nu. 8. [illegible] Peregr. nu. 23. et [illegible] [illegible] [illegible] [illegible] cap. [illegible] [illegible] procedit [illegible] in substitutione [illegible] [illegible] [illegible] nomine proprio vel

appellatur. Nepotes autem generaliter sub nomine communi, ne [illegible] ... nomine filiorum, et descendentes ad filios eorum ulteriores, quia licet [illegible] [illegible] sub nominati nomine proprio specialiter substitutum praeferendum, nepotes continuatur [illegible] [illegible] DD. [illegible] et alii [illegible] relatos

[illegible]. [illegible] illam de [illegible] mentionem fecit, quam [illegible] specialem [illegible] generalem [illegible] [illegible] [illegible] DD. [illegible] quod [illegible] [illegible] [illegible] [illegible] ... [illegible] [illegible] non, nec transmissionem [illegible] possit quia [illegible] conditionalis non transmittitur. Alex. [illegible] 176. n. 6. [illegible] Cyn. [illegible] 183. n. 2. [illegible] [illegible] 133. col. 2. n. 1. Paris. [illegible] 37. n. 50. [illegible] 64. n. 10. n. 2. [illegible] refert [illegible] [illegible] [illegible] [illegible] in de casu Peregr. [illegible] n. 24. et hic est casus noster quia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de eorum filiis [illegible] [illegible] Helisabeth, [illegible] decesserit ante [illegible] D. Comitis [illegible] patrem, [illegible] ante [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] filiis legitimis et legitimo matrimonio [illegible] decessisset, unde [illegible] filii nempe DD. Marianus [illegible] et [illegible] nullo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] D. Francisco [illegible], nec [illegible] [illegible], [illegible] [illegible] transmissionem, [illegible] [illegible] [illegible] habere [illegible] [illegible] conditionalis, et [illegible] D. Francisco [illegible] debet [illegible]

Pro D. Joanne Nicolao Addinsio [illegible] D. Helisabeth [illegible] D. Bernardini [illegible] libellus	Summarie proponit D. Joannes Nicolaus Addinsius [illegible] [illegible] [illegible] [illegible] D. Helisabetham [illegible] [illegible] D. Bernardini, quatenus ipse D. Bernardinus [illegible] [illegible] de anno [illegible] [illegible] heredem [illegible] universalem instituit [illegible] Georgium fratrem et DD. [illegible] [illegible] [illegible] [illegible] [illegible] D. Helisabeth [illegible] [illegible] [illegible] omnium bonorum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] acquisitorum. [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] bona [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. Domi [illegible] [illegible] [illegible] bonorum [illegible] semper [illegible], [illegible] D. Domi [illegible] [illegible] [illegible], et coepit uti et frui omnibus [illegible] [illegible] [illegible] [illegible] [illegible] D. Bernardini [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] interpellatio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. [illegible] Magdalenam [illegible] [illegible] [illegible] [illegible] fidem, [illegible] [illegible] Addinsius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. Domo [illegible], [illegible] [illegible] [illegible] [illegible] D. Domi Addinsius [illegible] [illegible] [illegible] libere [illegible] et pleno [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] aliis

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Pro [illegible] Ant. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] R. leg.

[illegible] Antonij [illegible] debet admitti, quia [illegible] [illegible] ad [illegible] de [illegible] [illegible]
[illegible] capitula [illegible] [illegible] debere [illegible] iure [illegible] [illegible] tempore [illegible]
nam in hoc casu [illegible] non est alterius [illegible]. sed [illegible] magis quia [illegible] [illegible]
[illegible] computus [illegible] [illegible] non est generaliss. de omni [illegible] ei [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible], quia [illegible] [illegible] [illegible] [illegible] [illegible],
[illegible], tamen [illegible] [illegible] [illegible] [illegible], nec [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible], [illegible] [illegible] [illegible] [illegible] processi ad [illegible], [illegible]
[illegible] [illegible] [illegible] eodem errore [illegible] [illegible], [illegible] [illegible] calculationem.
[illegible] [illegible] [illegible] calcu. n. 6. [illegible] [illegible] [illegible] [illegible] usque ad 20. annos [illegible].
[illegible] L. 2. C. de [illegible] [illegible] [illegible] 7. [illegible] [illegible] [illegible] de [illegible] [illegible]
[illegible] computi, [illegible] tamen [illegible] [illegible] quia [illegible] [illegible] tenore [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] computus ad tollendam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] apparet [illegible] [illegible] [illegible] [illegible] [illegible] capituli, [illegible]
[illegible] [illegible] admitti [illegible] [illegible]

Proclama

[illegible] ordine del [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Arciduca [illegible] Ferdinando
[illegible] [illegible] [illegible] [illegible] [illegible], [illegible] publicamente proclama Andrea [illegible] de [illegible]
[illegible] [illegible] [illegible] nel termine di [illegible] [illegible] [illegible] [illegible] [illegible] e [illegible]
[illegible] [illegible] [illegible] e presentarsi personalmente nelle [illegible] di [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] del processo contra di lui formato [illegible] di [illegible] [illegible] che [illegible]
[illegible] con Madalena sua sorella [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] la
[illegible] [illegible] [illegible] di [illegible] [illegible] [illegible] la domenica [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] alla casa di [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] armato di spada et pugnale [illegible] [illegible] di violenta condurre a casa sua
[illegible] con un altra sua sorella che falsamente [illegible] [illegible] [illegible] [illegible]
de [illegible] [illegible] che [illegible] [illegible] [illegible] amalata, e che non [illegible] [illegible] [illegible]
[illegible] di [illegible] [illegible] che mi [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] che [illegible] [illegible] [illegible] del [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] con 26. ferite in diverse parti del corpo [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] e con animo deliberato, et
con [illegible] modi [illegible] delle quali più [illegible] [illegible] apparisce processo [illegible]
termine [illegible]

Pro d. Michaele Miscrio de Pontalio cu Nicolao [illegible] Dño de Aurea

Nicolaus [illegible] à Dño de Aurea [illegible] in casu [illegible] [illegible] [illegible] exemptionis [illegible] ut esse nobilis, [illegible] [illegible] credita pro [illegible] à [illegible] debet [illegible] magis privilegiati. [illegible] Nicolaus [illegible] Mag.ri [illegible] [illegible] ad [illegible] credito [illegible] rem nemo [illegible] nec [illegible], nec [illegible] ~~[illegible]~~ [illegible] [illegible] rem [illegible] ideo [illegible] Michael [illegible] declarandi, [illegible] confirmando [illegible] et [illegible] procedat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non procedere, [illegible] de [illegible] [illegible]

Pro [illegible] cu [illegible]

Longe ~~[illegible]~~ rationabilius [illegible] arbitrium Mag.ci [illegible] de [illegible] ~~[illegible]~~ ~~[illegible] Ioseph, et Bartholomei [illegible]~~ [illegible] iudicis primo [illegible] [illegible] mercedem [illegible] et [illegible]. Non enim [illegible] [illegible] [illegible] [illegible] exaltionem in hac Provincia et [illegible] [illegible] [illegible] [illegible] multiplicis [illegible] melius rem reddere et [illegible] Andreas [illegible] [illegible] ~~[illegible]~~ [illegible] mercedem [illegible] [illegible] ad [illegible] ~~[illegible]~~ Ioseph [illegible] Bartholomei [illegible] [illegible] comparari [illegible] non videtur. [illegible] declarari debet bene iudicatum [illegible] Mag.ci [illegible] de [illegible] [illegible] [illegible] male [illegible] appellatum [illegible] [illegible] introductis

[illegible] in hoc [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non videtur [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Gran miseria [illegible] quella [illegible] infelice [illegible] [illegible] Riccardi, [illegible] rimasta già nove anni vedova con due figliole, [illegible] [illegible] [illegible] delle mie [illegible] dote e [illegible] per [illegible] e le [illegible] le quali non [illegible] il beni del padre [illegible] non [illegible] [illegible] [illegible] [illegible] mio [illegible] Alessandro, et [illegible] Dalmin mia [illegible] [illegible] [illegible] [illegible] [illegible] due anni [illegible] [illegible] fatto consumare il [illegible] [illegible] [illegible] con [illegible] [illegible] [illegible] christiana. Cominciai litigar con loro l'anno 1593 a 17 Marzo, et l'anno [illegible] 1598 [illegible] Aprile [illegible] la lite dopò [illegible] [illegible] [illegible] processo all [illegible] [illegible] dopò [illegible] [illegible] ancora [illegible] [illegible] [illegible] [illegible] [illegible] della [illegible] il [illegible] [illegible] mesi, [illegible] [illegible] in [illegible] li 19 Aprile 1599. [illegible] [illegible] [illegible] Dalmin, [illegible] [illegible] Alessan.[illegible] [illegible] [illegible] tenuta due anni [illegible] [illegible] [illegible] senza [illegible] [illegible]

Mondo [illegible]

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il Congregazione, non trovando quanto io per le mie povertà provedermi di difensore che tenesse à cuore la causa. ultimamente in capo di due anni, e terzo lasciati vicende d'io non lo potevo eseguire per i saldi della sentenza ottenuta le prima vincerebbero tutti i mobili dell'eredità di mio Marito conforme alla mia Relatione fatta in mano la sentenza. la qual Relatione come si vede non è semplice, ma condizionata, quando le mie fìgliole fossero state [illegible] et della Dote di [illegible] fuori della [illegible] per ragioni degli alimenti, il che non è stato adempito dalla parte loro [illegible]. questa sola risposta mi può salvare; tuttavia per [illegible] di [illegible] per un'altra Relatione che io mi contentavo in pagamento del mio credito dotale di pigliare il livello di una [illegible] fenarola di S.ti cinquanta l'anno, e [illegible] insieme li livelli [illegible] depositati, et dovuti da lei. mi contentavo ancora pigliare quel povero [illegible] (sempre però per stima et [illegible] quello che io ho contato, benché legittimamente, mi conviene di più di ritenere tutti [illegible] li [illegible] nell'inventario per conto del mio credito dotale, et ritenere [illegible] la [illegible], et [illegible] [illegible] [illegible] [illegible] che mai mi daranno né li [illegible] ma furono [illegible] come nelle mie positioni; et ultimamente mi contento parimente di ricevere li [illegible] per stima, et conforme la [illegible] Relatione supplico l'A.S. V.ra de [illegible] e per pietà vogli confirmare i miei in [illegible]; e dichiarare che tutto [illegible] possi [illegible] levare i [illegible] del livello della fenarola, et [illegible] ancora [illegible] [illegible] per il [illegible] [illegible] ritrovare nella [illegible] ò di mobili ò di beni che mi [illegible] havevano [illegible] di questo livello, [illegible]

Pro D. Campilei ut fisco
oriretur remissio nisi dd. Capli [illegible]

Rd. presbiter Valentinus Felicius de Reana Curatus Campilei [illegible] suos parochianos processatus fuit in officio Patriarchale, et etiam carceratus licet postea [illegible] fidei [illegible] de se representando fuerit relaxatus è carceribus.
querela multa continet capita
[illegible] quod [illegible] spretis [illegible] mercantiam exercet vini, frumenti cetera
[illegible]
quod [illegible] tabernas publice exercet
quod ebrietati est deditus et [illegible]
quod blasphemare solitus est [illegible] [illegible] de [illegible] S. Maria
quod negligentem se habeat in administratione Sacramentorum [illegible], propter quam negligentiam effectum est ut puer decesserit absque baptismo [illegible] et nonnulli [illegible] sine Sacramentis confessionis, eucharistiae, et extremae unctionis
[illegible]

[illegible] modo in Ar. Card. limitatam nihilo [illegible] [illegible] nisi [illegible] alia et gravitatem [illegible]. Debere [illegible] posse prosequi cognitionem illius criminis, ita ut ad ipsum remitti debeat processus.

8. Cap.ᵃ Ex parvenuendo casus expressos in concordatis [illegible] unde [illegible] ipso non est [illegible] [illegible] ejusdem meretricis, et sortilegii, et [illegible] videre, et [illegible] aliis criminibus et graviora clausula et similes retinere intelligentur dubitari poss.

* Ad id ipsum pertinere cognitio blasphemiae, et videtur pertinere non quia impunitas [illegible] blasphemiae [illegible] [illegible] respectu Dei, et Corpolla [illegible] propter [illegible] quod [illegible] proprie blasphemiam [illegible] sub [illegible] blasphemia, et Menoch. de arbitr. jud. cas. 375. sed potius de [illegible], et [illegible] loqui ut [illegible] Coman. [illegible] [illegible] [illegible] l. [illegible] n. 8. unde [illegible] Cap. possit cognoscere de perjurio [illegible], ut tamen in concordatis [illegible] [illegible] posse videtur quod [illegible] cognoscere valeat de [illegible] [illegible] in contemptum Dei, [illegible] [illegible] [illegible] [illegible] in judicio quam [illegible] judicio, [illegible] Coman. [illegible] n. 4. [illegible] tamen [illegible] perjurio [illegible] [illegible] n. 4. [illegible] [illegible] [illegible] crimen

Similiter licet in concordatis expresse retineatur non reperiatur cognitio in [illegible] generali [illegible] in administratione sacramentorum, tamen [illegible] possit [illegible] [illegible] [illegible] contineri sub [illegible] capite de non [illegible] in beneficiis [illegible] [illegible] quod [illegible] [illegible] posse quam non residendo, [illegible] [illegible] [illegible] [illegible] [illegible] inconvenientia [illegible] [illegible] [illegible] administrationem sacramentorum.

Pro Cortazzaino de Caute dot. — [illegible] clausulam insertam in Chirographo quod in eventum dotis restituendae promisit restituere eam [illegible] primam [illegible] superinde disponentis: intelligeretur [illegible] primam [illegible] [illegible] conditionis, jure [illegible] conditio tamen quod per obitum filiae dos data a patre revertitur ad patrem l. dos a patre. ff. solu. matri. quemad. dos per. [illegible] [illegible] filii extant, [illegible] dos de consuetudine [illegible] debet redire quod consuetudo [illegible] attenditur et [illegible] dispositionis [illegible] ut [illegible] Glo. in d. l. dos a patre, et [illegible] Bal. ibi n. 1. etc. et Bar. in l. post dotem ff. solu. matri. n. 28. et Alex. ibi n. 25. ubi [illegible] de comm. et Jas. ibi n. 99. [illegible] ad [illegible] ✝ proinde [illegible] esse (quod [illegible]) [illegible] puella [illegible] [illegible] [illegible] descendentibus [illegible] quandocumque [illegible] [illegible] [illegible], pater illi succederet, quia deficientibus descendentibus succedunt ascendentes [illegible] [illegible] successionis, et descendentibus [illegible] [illegible] filii, neque [illegible], neque mater, sed solus pater ille succedit [illegible] aliis [illegible] [illegible] [illegible] [illegible] [illegible]. l. ad Tertull. et haec conclusio adeo vera est ut nefas sit eam in controversia [illegible] [illegible] Coman. [illegible] [illegible] [illegible] [illegible] [illegible] quem refert Michael [illegible] [illegible] [illegible] ib. [illegible] successio ab intestato [illegible] [illegible]. [illegible] [illegible] [illegible]

[Left margin notes:] [illegible] [illegible] [illegible] [illegible] [illegible] conditionis [illegible] [illegible] ✝ [illegible] in [illegible] n. [illegible] [illegible] [illegible] [illegible] [illegible] consuetudinem [illegible] [illegible] in Glo. d. l. dos a patre commun. esse approbatam [illegible] etiam [illegible] [illegible]. de [illegible] [illegible] [illegible]. [illegible] V. n. 8. 9. [illegible] [illegible] consuetudine [illegible] non [illegible] [illegible] [illegible] [illegible] dotem [illegible] [illegible] [illegible] [illegible], sed etiam [illegible] [illegible] dotem [illegible] in omnem casum [illegible] [illegible] retinendi [illegible] [illegible] [illegible] [illegible] ✝

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in decesserit ante [illegible] uel post [illegible] annum quia hic habet locum [illegible] conditi.
Patris non autem de iure conditi et cuius dispositionem uidentur contra-
re [illegible] se retulisse . in casu nostro.

Si autem clausulam illam incompetentem [illegible] intelligimus ad formam statutorum loci providentibus intel-
ligend est de statutis loci mulierum domicilii, non autem [illegible] domicilij mariti nos enim sumus
in casu quo mulier se dotauit, quia tunc prouidentia attendetur statuto [illegible] ipsius
mariti ut [illegible] de [illegible] dotis quaest. 83. sed sumus in casu quo [illegible] pro
muliere dotem dedit. et tunc non attenditur statutum domicilij mariti. sed statutum domi-
cilij illius qui dotem dedit. et cui restituenda est [illegible] ut [illegible] eund. Col. [illegible]
[illegible] dot. quaest. 17.

Pro Mag.co [illegible] Collector. w Contrahentis merentis [illegible]

Appellatio [illegible] merentis [illegible] capit casillo, dum reuocat in
dubium quasi possessionem eiusdem Mag.ci [illegible], quam confessione propria
in [illegible] [illegible] est [illegible] coram iudice [illegible] sub die 17 [illegible] [illegible]
et multo fortius dum [illegible] difficultates cum [illegible] [illegible] prioratus [illegible]
iulij 1598. quod quidem sententia fuit [illegible] [illegible], dum ad [illegible] credit
liquidatio [illegible] sententia [illegible] solutiones. [illegible] productis [illegible] de an.
1598. liquidationem, et solutiones, ac reproductis [illegible] [illegible]
[illegible] expediens declarans bene iudicatum [illegible] primam [illegible], et male [illegible]
appellatum [illegible]

Pro Valentino Fabro de Perticanes cum Paulo Fasano de Maredis

Alleg.

in causa animalium morborum [illegible]

Condemnari debet prouidentia Paulus Fasanus de Maredis ad restitutionem
pretij habiti ex uenditione [illegible] duorum iuuencorum [illegible] morbosorum, nec non ad refectionem dam-
[illegible] Valentinus [illegible] in [illegible] animalium, quod [illegible] contractu
[illegible] iuuencis. iure enim cauetur in L. i. ff. de aedil. edic. quod
mancipia uendentes certiores debeant facere emptores quid morbi uitiique cuiusque sit,
[illegible] in eo quod emptoris [illegible] tenentur. quod quidem [illegible] etiam ad iuuenta
ut [illegible] aediles [illegible] ff. eo. et causa illius edicti proponendi fuit, ut occurratur
fallacijs uendentium, et emptoribus succurratur quicunque decepti a uenditoribus [illegible]
ut in [illegible] causa [illegible] emptor repetit damna quae sensit propter mancipium, seu
animal morbosum. [illegible] [illegible]

quod autem animalia uendita per Paulum Fasanum esse morbosa probatur
per quinque testes super 6.to cap. Valentini [illegible] nempe [illegible] [illegible]
[illegible] per [illegible] [illegible] [illegible] [illegible] [illegible]
qui [illegible] che questi manzi erano una [illegible] [illegible] [illegible] [illegible]
cap. Valentini [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
manifestamente amalati. comprobatur hoc [illegible] [illegible] [illegible]
die [illegible] [illegible] emit, [illegible] [illegible] [illegible] [illegible] [illegible] uendidit

[illegible] probatur per [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Valentini [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] cap. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Animal et morbosum appareat illico post contactum, vel tertio post tale praesumit fuisse tempore contactus, ut voluerit Ed. Lib. Aldo. Boer. decis. 323. n. 1. et Mascard. de probat. conclu. 92. n. 1. quod paulo post unus ex dictis iuvencis mortuus ex eo morbo fuerit probatur per 4 testes sup. 7.^m art.^m valentini fol. 4. nempe per 8.^m fol. 21. per 9.^m fol. 21. per 10.^m fol. 22. t. per 14. fol. 42. t. et per 15. fol. 43. cuius praecipue depositio observari debet.

Confirmatur praedictum omne quia Paulus emerat illos iuvencos a Blasio Sfedero de Villa Vernassi ut patet ad 5.^m positionem valentini fol. 3. quod autem Blasio prius mortua fuissent omnia fermé eius animalia ex morbo quo tunc laborabant, probatur per testes sup. 4.^t capl. valentini fol. 4. nempe per 6.^m fol. 17. per 2.^m fol. 18. per 3.^m fol. 18. t. per 4.^m fol. 18. t. per 5.^m fol. 19. per 6.^m fol. 25. per 7.^m fol. 34. per 8.^m fol. 35. per 9.^m fol. 36. per 10.^m fol. 38. per 11. fol. 39. per 12. fol. 40. per 13. fol. 46. per 19. fol. 47. per 25. fol. 52. per 18. fol. 47. vendidit

quod Paulus ipse fuerit conscius huiusmodi morbi, neque de eo certiorem reddiderit valentinum probatur per Baptistam de Barnaba p.^m teste sup. 4.^t capl. fol. 17. ubi che gli animali furono venduti da Biasio Seder à vilissimo prezzo, et senza cercar rispetto al malelche gli sopravveniva, a volere che fussero menati la notte fuor di casa accio che quelli delle ville non lo sapessero et parte inferni, che li detti furono messi in una stria, et gli conoscere il fieno et la magnadura, et si disse per certo. [illegible] Ioannem 9. Stephani de Vernat 5. teste sup. 4.^t ibi fol. 18 ibi che havendolo Paulo dimandato se nelle ville di Vernassi erano buoi da vender gli rispose che Biasio Sedar ne haveva un paro, et che il detto Paulo dimandando se i buoi ch'erano da vender erano sani, gli rispose ch'erano sani, ma che gli altri erano morti [illegible]

Comprobatur, [illegible] Paulus dicit se emisse iuvencos in villa Spigoni, non autem in villa Vernassi, ut probatur per 7. testes sup. 5.^t capl. valentini fol. 4. nempe per p.^m fol. 17. per 2.^m fol. 20. per 22. fol. 10. t. per 23. fol. 51. per 24. fol. 51. et per p.^m reexaminatum fol. 23. et et 2.^m fol. 48.

3.^o comprobatur quia Paulus certior factus a valentino de morte unius iuvenci statim misit ad villam Perspineri ut ibi conduceretur alius iuvencus quemadmodum fuit conductus, et statim chiamat ipso occisus. ut ipse [struck] respondet ad 8.^m et 9.^m positiones valentini fol. p. 4 [struck] t. de quibus responsionibus et simplicitati maiorem relatum Nos.^i in alia fol. 4. t.

Potheri quod animalia in morbo fuerint valentino fabro ex morbo contacto, et contagio, ad iuvencis emptis à Paulo Sesano probatur per sex testes, nempe per 8.^m teste sup. 6.^t capl. fol. 20. t. per 9.^m fol. 21 sup. 6.^t per 10.^m sup. 6.^t fol. 22. per 11. sup. 7.^m fol. 44 et per 2.^m testem sup. p.^o capl. ad modum valentini fol. 100. t. et per 3.^m sup. eod. fol. 102. qui reddentes rationem dicti che da tre ò quattro giorni che li manzi di Paulo Sesano furono condotti in casa di valentino cominciarono a morire i suoi. ut apparet [illegible]

Plenissime igitur per plures testes, et multa argomenta probata est intentio valentini deducta in suis capitulis quibus nititur eius intentio nempe quod animalia sibi vendita per Paulum Sesanum essent morbosa, quod Paulus fuerit conscius talis morbi, et quod animalia valentini ex morbo contracto ab eis mortua fuerint, unde non poterit obtinere ut expensis. Reliquum autem est ut [illegible] contrarium, [illegible]

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potius laboriosum quam difficile est propter ea modula [illegible] quae [illegible] testium ad confirmandum unus se illorum, quia pleraque etiam capitula nullius testis dicto hinc probatur. primum modula est fol. 5. et continet iv. cap.ta 2.um modula est fol. 7. t.o et continet iv. cap.ta 3.um modula [illegible] fol. 40 [illegible] 4.um modula fol. 13 - 5.um modula [illegible] 60 [illegible], ultimum fol. 96.

Universus primum fundamentum Valentini fuit nempe quod animalia illi vendita [illegible] Paulo [illegible] esse morbosa, et id quidem probatum fuit dicto sex testium ut ex inspectione apparet. Paulus producit duo capitula de directo contraria alterum in primo modula quod est sextum in ordine fol. 5. t.o et nullus omnino testis super eo deponit. alterum in 2.o modula quod similiter est 6.um in ordine fol. 8. t.o super quo deponit unius tantum testis [illegible] 9. fol. 80. t.o qui etiam deponit de [illegible] pessere mentre Valentino li conduceva [illegible] esti alla visita [illegible] quid igitur [illegible] igitur relevat hac depositio, et tanto minus quia etiam testis [illegible] post animal [illegible] morbum [illegible] tempore vendendi [illegible] ut supra probatum fuit [illegible] mente [illegible] dec. 323. n. 13. et Mascard. de probat. conclus. 92. vol. 1. Ulterius Paulus [illegible] producit duo alia capitula [illegible] quia Valentinus hoc fundamentum [illegible] etiam capitulo [illegible] nempe quod Blasio Codero qui vendiderat iuvencos Paulo [illegible] mortua fuisse eius animalia [illegible] quod quidem capitulum probatum fuit depositione 17. testium ut supra [illegible] Paulus produxit 2.o capitula in 2.o modula eodem [illegible] nempe 10. et 11. in fol. 9. de directo contraria, nempe quod Blasij Coderi non erant mortua morbo contagioso et super hoc deponunt 9. testes nempe p.s fol. 59. [illegible] fol. 61. 3.s fol. 62. [illegible] fol. 64. [illegible] fol. 66. [illegible] et [illegible] 5.us testis Mathias Coderi est frater Blasij Coderi in fol. 66. et Thomas [illegible] 7.s testis de familia Blasij et consequenter interessati. [illegible] hinc inter se contrarij [illegible] Thomas Coderius [illegible] fol. 69. dice che Blasio Coderi vendema [illegible] la [illegible] della carne della manzetta che gli era morta; et [illegible] 8. testis fol. 70. dice che la carne della manzetta [illegible] [illegible] unde nullum in eis [illegible] legitimum fundamentum. Ulterius Paulus alius capitulo producit nempe unicum capitulum [illegible] modula fol. 13. quod Petrus frater Valentini [illegible] Blasij Coderi [illegible] animalia iuvencos esset Valentini [illegible] nec in [illegible] [illegible] oppositionem, [illegible] nulli [illegible] concludentem deponit de morbo ut nihil magis. Nam 21. testis [illegible] 4.a fol. 39. et 40. deponit de audito [illegible], et [illegible] Blasij Coderi dicentis che [illegible] [illegible] [illegible] in casa, et che [illegible] [illegible] la carne [illegible] le quale [illegible] [illegible] della [illegible] [illegible] [illegible]. Is 17. testis fol. 46. deponit de [illegible] Blasio Codero che due animali [illegible] morte della mortalità che regnava, [illegible] che [illegible] quali [illegible] is 29. testis fol. 47. [illegible] Blasio il quale [illegible] che [illegible] del [illegible] [illegible] [illegible] animali; [illegible] deponit de [illegible] il medesimo [illegible].

Nemo igitur negare quia [illegible] Valentini proponderet cum pro se habeat 17. testes non [illegible] [illegible] et confirmatos [illegible] Paulus vero 9. [illegible], et eos [illegible] [illegible] nam [illegible] maior [illegible] [illegible] [illegible] spec. de teste [illegible] [illegible] quod [illegible]. [illegible] magis quia etiam [illegible] [illegible] testibus [illegible] [illegible] esse Valentini, quam [illegible] post [illegible] [illegible]. [illegible] in 4.o 148. [illegible] 2. et [illegible], ac animal [illegible] morbosum magis credi testibus [illegible] quam [illegible] Mascard. de prob. conclus. [illegible] vol. 1.

~~[illegible]~~ [illegible] testes Valentini [illegible] ~~[illegible]~~

[illegible] [illegible] [illegible] [illegible] [illegible] Mascard. de probat. concl. 1082

* [illegible] [illegible] [illegible] [illegible] [illegible] quia [illegible] loco, tempore, [illegible] [illegible] [illegible] deponentes etiam [illegible] [illegible] [illegible] [illegible] morbosi, [illegible] [illegible] ex praecedenti, [illegible] animal [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] hoc fundamentum [illegible] 4. cap. fol. 5. t.o [illegible] quod [illegible] animalia [illegible] [illegible] [illegible], [illegible] [illegible] nulla animalia mortua [illegible] [illegible] [illegible]. [illegible] nullus testis [illegible] [illegible] deponit [illegible] 7. et 8. cap.ta eiusdem modulae fol. 5. t.o [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] animal [illegible] [illegible] [illegible] deponit [illegible] Blasio mortua non [illegible] animalia [illegible] [illegible] [illegible], de [illegible] morbo [illegible] se non [illegible], [illegible] fol. 61. dice che non [illegible] [illegible] morte, [illegible] [illegible] [illegible] etiam testes [illegible] deponit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

quorum verisimile est, ... tum de Blasij Cedere [illegible] revera sanctificat, [illegible] [illegible] nec dirigere ne illa emisse in villa [illegible], sed in villa [illegible] quod mendacium manifeste arguit negantem eidem.

Resolutis obiectionibus primi fundamenti venio modo ad secundum, scilicet quod Paulus venditor fuerit conscius huius morbi, nec de eo certiorem reddiderit Valentinum, quod quidem probatum bonis testibus ut supra, sed comprobatum alio inexpugnabili argumento, quia scilicet Paulus [illegible] emisse invenitur in villa [illegible], et tamen revera emisset in villa [illegible] quod probatur 7. testibus. Ad hoc fundamentum Paulus produxit 4.um capitulum [illegible] modulo fol. 8. ubi quod [illegible] animalia empta a Blasio Cedere bina quos pro se retinuit conduxit in domum propriam, et licet illa in eodem stabulo non posuerit, quia erat nec capax aliis animalibus, nihilominus [illegible] eodem tecto [illegible] et [illegible] omnia animalia [illegible] non tamen probat quod essent eidem imvenire [illegible] ...

qui est secundus 22 fol. 84.

..., nec [illegible] quia [illegible] [illegible] capax [illegible] [illegible] contrarium, quia [illegible] est suspectus habere eidem non potuisse in stabulo, quia alias de stabulo non fuisset capax omnium postius [illegible] animalia quaerere [illegible] domi et [illegible] [illegible] inclusisset, quod alias [illegible] [illegible] non inclusa [illegible]: ita praeterea testis qui fuit [illegible] productus, ut dicit [illegible] 4.to cap.lo fol. 84. manifeste [illegible] falsus in depositione [illegible] [illegible] fol. 83. [illegible] dicit [illegible] [illegible] che [illegible] [illegible] a [illegible] Paulo producente [illegible] [illegible] non uno delli due animali per l'ammazzasse et li [illegible] la carne, [illegible] [illegible] carne [illegible] [illegible] [illegible] quia [illegible] [illegible] 8. cap.lo [illegible] fol. 4. quod quidem capitulo falso confessus [illegible] [illegible] in margine, [illegible] [illegible], che [illegible] [illegible] [illegible] [illegible] del male [illegible] a [illegible] Paulo a casa sua. [illegible] [illegible] [illegible] che detto Paulo mandò [illegible] [illegible] [illegible] [illegible] morto, et subito [illegible] a casa l'ammazzò. Non enim propter [illegible] copiam carnis, sed propter [illegible] morbi et Valentinus [illegible] reddidit [illegible], et [illegible] [illegible], ac [illegible] [illegible]. [illegible] depositio [illegible] in parte reperiatur falsa, in totum reddit falsum [illegible] est [illegible] [illegible], ut [illegible] Gabriel in [illegible] [illegible] [illegible] tit. de malefic. conclu. 4.

Resolutis obiectionibus etiam secundi fundamenti, reliquum est ut resolvantur obiectiones [illegible] tertij, et ultimi fundamenti, nempe quod animalia Valentini [illegible] [illegible] [illegible] de fol. 26

Pro D. Lucretia et D. Palmina.

D. Lucretia relic. q. D. Bernardi Picardi [illegible] ad repetitionem dotis eius [illegible] [illegible] [illegible] mortem mariti [illegible] usque de anno 1552 cum D. Palminam [illegible], quod dotem [illegible] in propriis bonis, et quidem D. Alexander frater d.ti D. Bernardi [illegible] [illegible] [illegible] [illegible] contra [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] volebat teneri [illegible] [illegible] [illegible] quam in beneficio [illegible] et inventarij adiens [illegible] [illegible] erat non volenti quidem [illegible] contrahere [illegible] [illegible] mobilibus tantumdo, [illegible] [illegible] [illegible]. et post quinquennium litem [illegible] fuit protracta causa tum propter paupertatem D. Lucretiae quae vidua [illegible] [illegible] cum duabus filiabus destituta omni auxilio, tum propter pertinaciam D. Palminae [illegible] obtinuit [illegible] ad petita, quod productum est fol. 10. appellavit D. Palmina, sed

de anno 1558. 2 maij

eius appellatione non obstante D. Lucretia [illegible] [illegible] [illegible] obtinuit [illegible] [illegible] sententiae [illegible] [illegible] 4. mensium. ut fol. 1. [illegible] facit in liquidatione capitalis interesse D. Bartholomeum Parmam, qui liquidavit creditum D. Lucretiae ascendere ad summam [illegible] 456 [illegible] ut constat [illegible] fol. 2. quae [illegible] [illegible] ipsa non fuit [illegible] [illegible] [illegible] [illegible], [illegible] magis [illegible] [illegible] [illegible] renovata fuit [illegible] [illegible] [illegible] [illegible], et [illegible]

in quibus continet[ur] libellus capitalis d[ucatorum] 200. [illegible] D. [illegible] Fenarola, [illegible]

uti sub die 5 Junij 1699 ut fol. 2. ubi contradicendo D. Palmira, et D. Alexander occasione [illegible] contradictionis [illegible] est totus processus in presens expediendus. licet autem cognitio [illegible] esse debeat [illegible] quia [illegible], [illegible] de credito dotali et de causa [illegible] est tamen [illegible] et adhuc sub iudice lis est, quia adhuc non potuit sortiri effectus [illegible] bonorum facta D. Levcato pro d[ucatis] 250. [illegible] decreto de quibus fol. 13. [illegible] ac mandato facto D.

forsan Catherine Fenarola dep. [illegible]

licet quamplurimi [illegible] appareat expressum tamen D. Palmira [illegible] rem protrahere [illegible] 12. menses [illegible] declarare causam sue contradictionis quod debebat fieri in [illegible] 9. Jan[uari]i 1701 ut fol. 8. [illegible] exponendo [illegible] sub die [illegible] contradixisse ac mandato, quia nullo modo [illegible] siquidem [illegible] Mag[nifi]cus, quod [illegible] D. Palmira [illegible] tamen [illegible] D. Levcatus retinet semper mobilia mariti, quæ [illegible] in [illegible] fuerit non potuit D. Levcatus in [illegible] et in parte [illegible] permittere [illegible] semel fieri debent unde in [illegible] tanquam [illegible] mobilium. et produxit [illegible] D. Levcatus, ac sententiam [illegible] ut fol. 21. 22. [illegible] 22 quia tamen [illegible] sub die 16. Novemb. 1699 fol. 11. [illegible] similem sed pleniorem [illegible] sub die 6. eiusdem [illegible] Novemb. 1699 [illegible] denuo [illegible] D. Levcatus produxit veram et plenam [illegible] fol. 15. [illegible] non [illegible] mobilia mariti, sed [illegible] de dote [illegible] de alimentis [illegible] patet. unde cum [illegible] parte D. Palmiræ [illegible] D. Alexandri [illegible] nunquam fuerit [illegible] adimplere, ut [illegible] sub die 27 Maij [illegible] fol. 4. [illegible] D. Levcato [illegible] D. Palmira, et D. Alexander [illegible], et alimentis [illegible] aliter D. Levcatus non remanebat [illegible]

Tres [illegible] alimenta, [illegible]

Patet igitur quod [illegible] contradictio ista caret omni fundamento [illegible] infirmari [illegible] mandato facto [illegible] D. Catherinæ Fenarola, [illegible] declaratione facta per D. Levcatum sub die 21 Maij [illegible] 1700. [illegible] mediante [illegible] annos [illegible] et [illegible] declarationem [illegible], et [illegible] non habere tot bona quæ sufficiant pro creditoribus [illegible] 24. Maij [illegible] fol. 15 [illegible] declaratio [illegible] in [illegible] capitale d[ucatorum] 200. una cum libellis [illegible] D. Catherinæ Fenarola nec non [illegible] bona [illegible], ac [illegible] mobilia mariti, [illegible] ut patet fol. 14. [illegible] D. Palmira, et D. Alexander [illegible] sine [illegible] habere [illegible] de anno 1699. 3 [illegible] sine præiudicio [illegible] bonorum [illegible] tandem D. Catherina Fenarola [illegible] 28. [illegible] pro bonis libellis [illegible] elevandis [illegible] non habens tot bona quot sufficiant ad solvenda credita D. Levcato. [illegible]

nec non [illegible] omnia [illegible] D. [illegible] declaratione 15. [illegible] 1699 fol. [illegible] sed non [illegible] Fenarola [illegible] 8. [illegible]

ni [illegible] fil. it. quoniam cum flocci faciat quat. nelles in iurisdictione imperii
[illegible] credita hic. ~~quia tamen referre non potest [illegible]~~ Quia tamen
[illegible] in [illegible] [illegible] quia [illegible] [illegible]
expeditis causis, quia in tempore assignato [illegible] [illegible] sub die 24. Maii [illegible]
[illegible] pro [illegible] mandavit [illegible] [illegible] [illegible] dicti [illegible] dies
[illegible] quia [illegible] [illegible] [illegible] dies [illegible]
[illegible] ac deinde [illegible] ante [illegible]. ~~D. Palmina [illegible]~~
~~quod tamen ei [illegible]~~ [illegible] pro D. Palmina mediante [illegible] quat.
non fuisse in [illegible] [illegible] pro D. [illegible]
Nunc vero id [illegible] [illegible] [illegible] confirmandi [illegible] [illegible] revocandi
D. Palmina ~~[illegible]~~ [illegible] [illegible] bulla [illegible]
confirmandi [illegible] [illegible] [illegible] [illegible]
[illegible] ut [illegible] [illegible] quoniam [illegible] D. Palmina [illegible]
quod autem [illegible] confirmandi nullum subesse [illegible] dubium. quia [illegible] creditum D. [illegible] non [illegible]
in dubium, sed tantum dicitur quod tenetur [illegible] retinere mobilia [illegible] hoc [illegible]
plene fuit [illegible] [illegible] unde [illegible] est quod [illegible] in [illegible] [illegible]
[illegible] D. [illegible] accipiendi in solutum a [illegible] capitale D. [illegible] ac [illegible]
nec non [illegible], ac [illegible] mobilia [illegible] [illegible] [illegible] nulla gaudet
[illegible] in [illegible] quia [illegible] [illegible] habere bona non [illegible] valent sed [illegible]
[illegible] [illegible] sed [illegible] accipere [illegible] [illegible] plurimi ut [illegible] tandem ~~[illegible]~~
~~[illegible]~~ post spatium annorum 9. [illegible] creditum [illegible] [illegible] in [illegible]
necessitate [illegible] [illegible], quod tamen [illegible] non [illegible] quia non est bona in
iurisdictione veneta, et propterea [illegible] [illegible] quia non invenit [illegible] [illegible]
[illegible] sub iurisdictione [illegible] ubi [illegible] ad [illegible] quibus [illegible] confirmandi [illegible]
in [illegible], ac mandata [illegible] D. [illegible] ~~[illegible]~~ ~~ut [illegible]~~ quod est accipiendi
[illegible] [illegible] et capitale [illegible] [illegible] et mobilia et [illegible] [illegible] [illegible] ~~[illegible]~~
quia non [illegible] credita in dubium [illegible] ~~[illegible]~~ [illegible] [illegible] non [illegible] ~~[illegible]~~ [illegible]

Pro Consortibus Gregorinis
ad
Nob. Maninis
libellus in [illegible].

Iuste ~~[illegible]~~ ad [illegible] appellarunt Consortes Gregorini a sententia [illegible] [illegible]
[illegible] [illegible] [illegible] Nob. D. [illegible], et [illegible] de Maninis. ~~[illegible]~~ enim
inspectis decretis Patriarchalibus negari non potest quin contractus de quo agitur sit
de comprehensis ac [illegible] [illegible] celebratus ante annum 1500. sed non
est necesse ulterius disputare de ipsorum decretorum interpretatione. [illegible] enim
lege novissime [illegible] [illegible] [illegible] ad supplicationem [illegible] Communitati
[illegible] omnis [illegible] [illegible] [illegible]. quam quidem lex [illegible] [illegible] [illegible] ante
expeditionem causae non tamen fuit [illegible] ab [illegible] [illegible] quod patet ex
[illegible] sententiae [illegible] ad ~~[illegible]~~ de [illegible] decretorum pa-
triarchalium [illegible] in processu, ne verbum quidem [illegible] [illegible]. [illegible]
ita lege [illegible] male iudicatum, et bene [illegible] appellatum et [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible].

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Per il R. Curato di Campeio

Se il R. M. Pre Valentino Felisei Curato di Campeglio tenesse veramente quella vita che calunniosamente viene accusato, et poi testificato da suoi parochiani non è verisimile che l'havessero soportato tanti anni nella cura come hanno fatto; ma molto meno verisimile che l'havesse sopportato il R. Capitolo di Cividale del quale è Vicario in detta Pieve essendo solito per zelo dell'honor di dio et della salute dell'anime mandar ogn'anno un canonico a visitare tutti i Beneficii annessi alla mensa capitulare per haver informatione et dal Parocho della vita di suoi parochiani, et dai parochiani della vita del Parocho. ma è stà spetial maleditione di questo popolo di perseguitare i suoi pastori, e particolar sventura di esso Pre Valentino de Ser... la parte dell'Ill. C. Lucretio Strassoldo ... in temporale di questa pieve bisogna che con tanto travaglio e danno suo soporti una persecutione grandissima ... per farli lasciare il Beneficio, e mandarlo in rovina non ostante l'innocentia sua à difesa della quale con questo proposito dirà ... produce li infrascritti capitoli et produttione nella forma istanza ... rimedimenti.

Che il Commune di Colloredo, et altri Comuni soggetti alla pieve di Campeglio hanno perseguitato i Curati precessori del R. producente dandogli e bastonate et ferite come avenne in particolare al q. R. M. Pre Gioseffo Mismolo il quale fù ferito da loro con pericolo di morte, et al R. M. Pre Giacomo ... ultimo inanti al producente, il quale diedero molte bastonate, et se non fuggiva l'haverebbono anco ammazzato.

2 Che sono 12 anni in circa che il R. producente officia la Cura in Campeio, et ville annesse.

3 Che le ville della Pieve cioè di Colloredo, di ..., di Campeio, di Canale, et di ... sono sottoposte in temporale alla giurisditione dell'Ill. C. Lucretio Strassoldo, il quale habita la maggior parte dell'anno in Campeio.

4 Che dopò che ~~il R. producente ... la ... di detto~~ Sig.re ... li ... le hanno fatto lecito di perseguitarlo.

5 ~~...~~ Che Vicenzo della Presa quando morse si confessò, et comunicato et hebbe l'oglio santo

6 Che medesimamente Mauro di ... quando morse ... si confessò, et comunicato, et hebbe l'estrema untione.

7 Che la sera avanti che morisse ... il R. producente si à casa sua ad essortarlo che pigliasse l'estrema untione et esso la ricusò per quella notte ... domandando ... il quale ... dal R. producente et la mattina seguente ... ...

8 Che Marin ... è ... la ... via, che si ... compagna à sua madre, et ladro

9 che ... Mane ... di ... è ... e ... ladro

10 che il R. Capitolo ... alla mensa capitolare ... annuo ... il ... manda ogni anno un canonico à visitare i benefizij ... il quale usa diligenza di informarsi dai parochiani della vita del loro curato e ne fà relatione in capitolo la quale ... negl' atti del Consiglio.

11 che tutti i visitatori che sono stati hanno fatto buona relatione di detto preduvense.

12 che il preduvense è sacerdote di buona vita non solito à bestemmiare, né ad imbriacarsi.

13 che il medesimo non tiene bettola se bene alle volte à quelli che ... à ... del vino et del pane, né fà mercantia ma solo ... di amici à Cividale, et ... compra ... et ... di ... è ... quella piena.

14 che il medesimo preme assai in far eseguire le Constitutioni di Mons. Ill.mo ... et di ... Vicarij foranei, et in far pagare le decime alla chiesa ... la qual cosa è mal voluto da molti de suoi parochiani.

Che prima ... la terra che ... per ... alla ... — che la ... et in ... Lorenzo ... mulino ... ex morbo contracto ... inventis ... à Santo Iasano quod quidem probatur per ... illis ... ipsius fundamentis ... multa capitula in medium adduxit ..., generatim, et incerta ... loco: ut illis mediantibus ostenderet animalia Valentini ... aliunde contrahere morbum, nempe ... animalibus ... Iacobus Guerra, qui ... bovem à Dominico ... de ..., qui Dominicus habet ... Hieronimo ... à Culbiano, qui quidem Culbianus habebat ... animalia in villa ... Hieronimi ... morbo ... animalia ... quando etiam ... esse ... concludenter probant ... quod ... ... l. ... ... probatio ... quod ... non est ... ... de ... n. 361 et 365 ... n. 42 ... et quandoque aliquid ... et non ... et ... ad ..., et ... probatio illius concludit ... quod necessario ... in praesenti ... de proba. ... in l. ... ff. de leg. ... et in l. ... ff. de ... et l. ... in ... probare. et l. non solum ... et ... ff. de ... Loc. ... n. 8. n. 7. 8. lib. ... ... Valentinus probavit ... animalia sua morbo ... inventis ... à ... che ... di Valentino ... morire ... ...

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Item probatio ness in specie semper praevalent probationibus in genere. [illegible] in c. auditis. de proba. Bald. de praesum. [illegible] par. [illegible] quaest. no. 6

Praeterea ex hoc non [illegible] sequitur quod animalia vendita per Fabium non essent morbosa quia [illegible] falsa fuisse probatum [illegible] 6. testes, neq. quod non fuerint empta à Blaso [illegible] [illegible] animalia mortua [illegible], quia hoc probatur [illegible] 13. testes [illegible] [illegible] [illegible] in [illegible] tenebantur certiorem reddere [illegible] emptorem [illegible] in L. 1. ff. de aed. edic. quod ad non fecerit omni [illegible] [illegible] [illegible] [illegible] [illegible] à praedicta [illegible] probationes quod aliunde [illegible] contrariarum [illegible] quia [illegible] probare, [illegible] esse, [illegible] [illegible], et certi, quod [illegible] [illegible] emptor [illegible] [illegible]

Nec relevat attestatio [illegible] D. Caroli [illegible] [illegible] et [illegible] [illegible] [illegible], tum quia [illegible] non [illegible] [illegible] [illegible] magis, quia [illegible] de sequestro [illegible] [illegible] [illegible] [illegible] morbo [illegible] animalia non fuerunt [illegible] à [illegible] qua [illegible] [illegible] morbus, [illegible] multo tempore postea [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod facile [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non fuit sequestratum [illegible] animalia [illegible] mortua non fuerunt [illegible] morbo: [illegible] [illegible] [illegible] [illegible] [illegible] de sequestro [illegible]

Resolutis contrariis [illegible] remanet conclusio [illegible] quod [illegible] [illegible] [illegible] Paulo [illegible] Valentino [illegible] essent morbosa, [illegible] [illegible] fuerit [illegible] [illegible], et quod animalia Valentini [illegible] [illegible] [illegible] [illegible] unde non [illegible] non condemnari [illegible] ad [illegible] [illegible] Valentinum [illegible] [illegible] [illegible] [illegible] [illegible] cum [illegible] [illegible] [illegible] à iudicis arbitrio L. [illegible] [illegible] ff. de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] no. 14, [illegible] 1. no. 15. [illegible] [illegible] ad credendum [illegible] [illegible] Valentinum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non quod [illegible] [illegible] se [illegible] [illegible] in illa [illegible] [illegible] [illegible] essent in illa [illegible] quod certior [illegible] à Valentino de isto morbo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 4. nam [illegible] [illegible] [illegible] [illegible] malam fidem [illegible] quod [illegible] [illegible] [illegible] argumento [illegible] [illegible] [illegible], nam [illegible] [illegible] [illegible] [illegible] capita [illegible], et [illegible] 40. capita [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] pretio [illegible] [illegible] [illegible] quod facile [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] pretio [illegible] nam nihil magis [illegible] malam fidem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] pretio: [illegible] nihil magis [illegible] [illegible] [illegible] [illegible] quam quod [illegible] [illegible] pretio [illegible], quod tamen [illegible] [illegible] [illegible] [illegible] capita [illegible] [illegible] [illegible] [illegible], nec [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] –

[illegible] [illegible]

Item mendax in uno [illegible] [illegible] mendax in alio [illegible] de [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ff. de [illegible] [illegible] L. [illegible] [illegible] [illegible] ff. [illegible]

De li Camera di Attimis

publica all'Ill.mo Patriarcha

La S.a [illegible], obbelle moglie de fu del [illegible] Nicolò de Attimis l'anno 1592. 26. settembre fece testamento et havendo in [illegible] [illegible] [illegible] [illegible] lassio d. 200. alla Chiesa di S. Rocco d'Attimis col carico et [illegible] d'alcune messe, [illegible] [illegible] come in detto legato. La medesima S.a [illegible] [illegible] [illegible] per titolo di donatione [illegible] lassio dono alla Chiesa di S. Rocco de Attimis d. 200 aggiungendo l'anno [illegible] fabricare una Chiesa in honore di S. Rocco [illegible] [illegible] [illegible] [illegible] Attimis chiamato il Monte [illegible] et [illegible] [illegible] [illegible] in pane un [illegible] di [illegible] et un [illegible] di vino et di più [illegible] [illegible] dinari per far dir messe. [illegible] [illegible] contesa tra Camerari, et il sacro Monte di [illegible] [illegible] se doveva [illegible] il legato et la donatione, et in prima [illegible] nacque sentenza [illegible] Camerari che havesse d'haver et il legato et la donatione, ma in 2.da [illegible] è stato dechiarato che la donatione [illegible] [illegible] [illegible], come [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] per [illegible] di [illegible] se ne possa sperare il [illegible] della 2.da sentenza [illegible] [illegible] Camerari i quali hanno speso d. 40. non havendo [illegible] [illegible] [illegible] quarantia dove anderebbe la causa [illegible] [illegible] [illegible] acquietarsi alla 2.da sentenza. Nasce hora un'altra difficoltà che i d. 200. non bastano per eseguire la volontà della donatrice, perché cavato fuori il cavedale de impiegare un [illegible] di [illegible] un [illegible] di vino, et [illegible] dinari, [illegible] l'anno da spendere [illegible] almeno d. [illegible]. cavato fuori il tutto del loco dove si ha da fabricare la chiesa [illegible] [illegible] [illegible], d. 30. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non anderebbe d. [illegible] [illegible] d. 50. [illegible] [illegible] la [illegible], a [illegible], mantili, [illegible], candelieri et altri ornamenti, non [illegible] i restanti altri dinari delli 200. che d. 65. con i quali non è possibile da [illegible] fabricare [illegible] chiesa [illegible] sopra un monte. Onde i Camerari [illegible] [illegible] et [illegible] della detta S.a [illegible] di [illegible] [illegible] [illegible] V.S. Ill.ma a [illegible] [illegible] che deponendo il cavedale [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dinari che [illegible] [illegible] il resto [illegible] [illegible] [illegible], et abellimento della chiesa di S. Rocco di Attimis [illegible] [illegible] nel testamento detta S.a [illegible] [illegible] [illegible] d. 200. et [illegible] [illegible] la [illegible] [illegible] [illegible] ~~[illegible] [illegible] [illegible]~~.

~~[illegible] [illegible] [illegible] [illegible] [illegible]~~

[illegible] se bene pare che il [illegible] legati [illegible] [illegible] all'authorità del [illegible] [illegible] come ne dispone la [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] nel caso che non hanno [illegible] di poter eseguire la volontà della ~~donatrice~~ testatrice [illegible] [illegible] [illegible] [illegible] [illegible] la sola authorità [illegible] [illegible] [illegible] [illegible] come dice il [illegible] nel Consiglio 302. [illegible] et [illegible] [illegible] con l'authorità di [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

De Homicidiis Montenarij burgi inferioris ... criminis, turpitudinis ... crimina

Iustissima fuit sententia Maj.tis ... inscientis Montenarij ... quod ... rebus transactis de anno 1577. 19. Maij ... rebus indicant et ... de anno 1594 ... Iunij et postea ... [illegible] ... rebus ... de anno 1596 ... Iunij ... rebus decretis in ... maiorem partem, ... et ... publicis ... , ... ut ... inferioris, et aliorum ... semper ... ad ... propter ... non ... opportuna ... qui ... semper ... fieri, nunc ... esse ... alia ... quae ex parte ... non ... , unde multiplicari ... et quoniam videbatur ... in dubio decreti maioris partis ... ex ... parte ... congregatis ... , et ... voluntatis ... unde ... publico ac ... voluntatem maioris partis esse ... et ... propter ... declarari bene ... et ... appellatum, ad declarationem quod ... transactis ... expensis ... et damnosa ... [illegible]

De R. D. Ioanne Leonardo fratris R. D. Cornelio ... super difficultate pensionis ... Alleg. ... in causa pensionis an debeatur ... pro anno ... vacationis ... [illegible]

... Cardinalis ... fuit transmissa Romam, et ibi approbata ...

Proponitur in facto Maj. et R. 13. Ioannem Leonardum fratrem ... de mense septembris ... 1590 ... canonicatum et praebendam ... in ecclesia cathedrali ... ecclesiae ... Maj. et R. D. Cornelij ... reservata sibi annua pensione ... pro medietate in festo ... pro altera vero medietate in festo ... cui quidem reservationi decreto et indulto et literis expeditis consensit R. D. Cornelius, ... R. D. Ioannes Leonardus ... fructus praebendae ... et ... de mense Iulij, et de mense ... , quod ... decedens ... ecclesiae ... percepit etiam distributiones quotidianas ... ad ... applicationis.

Quaeritur an R. D. Cornelius teneatur ad ratam pensionis ... R. D. ... ex quo nullos praebendae fructus percepit, nec etiam ... distributiones quotidianas, ... tenere, nam cum quaeritur ... pensionis solutio ... in literis reservationis ... pensionis ... tempus quo solvi debeat ipsa pensio, ... in literis tempore solvi debet, ... ; ... tempus solutionis, et tunc solutio debet fieri in fine anni ... in ... pensio. ... 93. quo loco etiam ... quod ... temporis ... , conferetur ... quod ...

mediet[ate]m nempe in festo Nativitatis beati Joannis Baptae de mense iunii et mediet[ate]m in festo Nativitatis Dni ... in ... generalis consuetudo et ... ... in casu de quo agitur est expressa temporis reservationis nempe ut medietas solvat in festo Nativitatis ... esset omne dubium ... ...

et tanto magis ... D. Cornelius consenserit ... , quia ... Canonico D. ... tit. de ... 8.

Alias sequeretur ... ... Nativitatis S. Joannis Baptae non teneretur ... ... primam, unde ... ... menses post signatam supplicationem.

Non obstat quod R. D. Joannes Lewardus perceperit fructus ... ... quia ... ... supplicationis ... ... R. D. ... ...
... Baptae ... ...
nec quidquam facit quod pensio fuerit imposita ... fructibus, et quod ipse fructus ... ... pensionis ... fructus ... ...
nec eadem est pensio ... ... conventiones ... ...

Quinimo in ... ... fructus ... ... pensionem solvi ... ... 388 ... ... motu proprio ... ... in festo annunciationis bea. Mariae ... ... pensionem ... ... arbitrio ... ...

... quod ... non ... ... reservatio ... ...

... ... A. de ... ...

Pro ... ...

Male sentit ... ...

Pro R. Paroco [illegible] Valentino Gregorio de Cassano [illegible]

Nob. et R. D. [illegible] de [illegible] [illegible] petitione [illegible] Valentini Gregorii de Cassano que [illegible] [illegible] ad retractus [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Gregorio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] ingressum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non est [illegible] competens maxime in materia retractus, quod [illegible] regulare debet [illegible] [illegible] et [illegible] [illegible] [illegible], [illegible]

Pro R. Plebano [illegible] [illegible] et [illegible] Curato Rondoleti

Confirmari [illegible] debet mandatum R. Plebani [illegible], quia [illegible] in dubio [illegible] non [illegible], quia [illegible] [illegible] [illegible] de quibus in ipso mandato [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] omnes parochianos [illegible] [illegible] decimas, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad quaedam novalia [illegible] [illegible] [illegible] Curato Rondoleti, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Plebani, qui [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] novalia. Nil relevat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quia mandatum [illegible] non [illegible] [illegible], sed [illegible], unde [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]; unde [illegible] [illegible] omnino [illegible] [illegible] [illegible] [illegible]

De [illegible] [illegible] [illegible] [illegible] Valentino Pessera [illegible]

L'[illegible] [illegible] [illegible] [illegible] Valentino Pessera, et Battista [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] il [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] la [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] le cose [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], perchè [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] d'insolenti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] del [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] d'alcuni [illegible] nella [illegible] casa [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Pessera [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Pro Dnis Comitib. Scleimici [illegible] D. Vienne de [illegible] et Brallaco

Alleg. in causa fideicommissaria Test. ipsius et haeredib. universalib. nob. Riccardo & Francisco, & Nicolao, et filiis eius, ac [illegible] filiis

Factum se habet, quod q. D. [illegible] olim Comitis [illegible] de Scleimico condens testamentum de anno 1574 [illegible], et perpetuo fideicommisso in favorem masculor. ex se, et filiis suis descendentium, voluit bona sua [illegible], et [illegible] cum ex [illegible] quod dicta bona vel aliquid eius non possit [illegible] ab aliis haeredibus instituendis, vel masculis suis descenderes vendi, donari, permutari, aut quovis modo, vel quovis colore alienari ac [illegible] quam in ultima voluntate, sed quod ipsa bona ire deberent de herede in haerede masculos descendentes [illegible] ~~[illegible]~~ [illegible] ~~in d. testamento fol. [illegible]~~ et si aliquis [illegible] [illegible] vel [illegible] descendentib. eorum venderent, donarent, permutarent et aliquo alio modo alienarent, vel obligarent [illegible] [illegible], vel [illegible] ipso facto, [illegible] remaneat [illegible] proxime debeat in aliis non alienantes, et voluntatem testatoris [illegible] [illegible] est [illegible] in [illegible] fol. [illegible].

Hoc tamen fideicommisso tam aperte, et [illegible] alienandi tam [illegible] prohibito non obstantib. Nob. Franciscus D. [illegible] filius de anno 1597. 13. Maii titulo permutationis, seu etiam venditionis alienavit et transtulit in Nob. Nicolaum, et Ant. [illegible] de Brallaco unum [illegible] bonis [illegible] subiectis fideicommisso, nempe mansum [illegible] [illegible] Antonium [illegible] [illegible] ut fol. 72.

Quemadmodum et alii d. [illegible] descendentes nempe DD. Comites Nicolaus, Antonius, et [illegible] [illegible] vendentes [illegible] nempe ~~[illegible]~~ [illegible] non nulla alienarunt ut constat ex quatuor instrumentis productis fol. 84. [illegible] fol. [illegible].

[illegible] D. [illegible] testatoris descendentes ac soli masculi [illegible] DD. Comites Franciscus Aemilius, et [illegible] in praesens [illegible] D. Comitis Alberti, ad quos notitiam quamprimum pervenit, occupari et detineri [illegible] [illegible] Nob. D. [illegible] de Brallaco mansum [illegible] [illegible] alienatum a q. Comitem Franciscum filio D. [illegible] aliasque [illegible] [illegible] ad ipsum [illegible] [illegible] [illegible], et nunc [illegible] [illegible], et [illegible], quod est unum ex bonis subiectis fideicommisso [illegible] [illegible], convenierunt ipsum in iudicio [illegible] [illegible] [illegible] 1597. petierunt condemnari ad relaxand. d. mansum ~~[illegible]~~ [illegible] de corpore haereditatis q. D. [illegible] testatoris, ac ipsius [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] descendentes [illegible] masculis [illegible] [illegible] D. [illegible] testatoris voluntatem ac dispositionem [illegible], ut fol. [illegible] [illegible] declarationi [illegible] [illegible] [illegible] [illegible] sub die [illegible] 1596. [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible], [illegible] [illegible] 4. [illegible] [illegible] [illegible] Comitib. [illegible] sententia [illegible] [illegible], [illegible] [illegible] [illegible] [illegible]

ad legem, et quod evenisset casus fidei commissi in eorum personam ut solis masculis suppetit et voluntatem testatricis observaretis cum ut omnia bona, quod per ne eiusdem D. Comitis Simonis Maltiani, et Morciani, et pertinentis illorum ad ipsos spectare, et ipsos venire possint de manibus quorumcumque illa detinent. ut fol. 5.

D. Bradrachus vero consentit, et veritatis veritatem lucrari, tum veris in hac causa nunquam aperto Marte in certamen descendere ausus fuit, sed per nam ... semper studuit aliquando sub protextu fidei ... ... D. ... de ... eius ... quod in hac causa ad ulteriora diu processit, quod tamen neque verum fuit, neque probatum, aliquando sub protextu, quod imprimis, et ante omnia venerandum ... ab ... et pronuncia ... ad legem ... ... receptas in hac Patria se ... admonere.

Sequamur D.ni ... ..., et pronuncia nullo ... in ... ... D. Bradrachi propter clausulam finalem, ... et multo minus ... ... palam ... se consentire quod non ... ..., et pronuncia ad legem ... consentit habeat liberas habenas producere ... ... exceptiones ... ..., quam ... ... quod inde possit semper ... habere ..., et pronuncia in ea consideratione, quod ... ... de ... , ut fol. 47. usq. 50. ... etiam quod ... partis contradictoria ... D. ... ... 1796. declaravimus, quod D. D. ... dicere posse ... ..., quamvis petitione ut fol.: 17. ... ... ab hac exceptione discedere posset, ... Mr. Aldrea ... ... intentione, et ... ...

Et ... ... in eorum libello, nempe quod ... petitis, et de ... in praeparatorio ... per D. Bradrachi ... comprehendatur in ... D. Comitis ... quod ipsa ... fidei commisso ... in favore masculorum ... descendentium ... ... et Morciani, quod ipsi ... ... masculi descendentes ... ... produxit, ... quod in eorum personas evenit ... fidei commissi, ... an hoc sit probatum ... ... quam ... ... testimonio ... ... D. ... possit ... ...

Et quod attinet ad praeparatorium ... Aldreas illud in ... ... produxerunt sub die 5. ... 1796. fol. 20. et sub die 4. febr. 1797 ... ... assignavit ... ad ... in quadragesima ad respondendum ... declarationem ... ... confessa, ut fol. 45. ... 18. April. 1797 ... ... 8. ... ... ad respondendum ... ... confessa, ut fol. 49. ... ... sub die 7. Maii 1797 ut fol. 49. ... ... de qua in eorum ...

tamen reteriade cum d. Bradaco fuit amota suspensio, veneij ut fol. 13.
et omnibus suis pretendentis eaidem: deinde amota suspensio ut fol. 16. et tamen
tenpore pretendentis eadem 3ª amota suspensio, ut fol. 18. et sic paperatum
probatum remansit non solum inxamente d. Alog. ideotum declaratione
judicis in continuationem ad dicta non curantis respondere.
quod bonum consentius amplectendum in hereditate d. Floris ultimis a su... pe
et politiae dispositionem fuit inter filios ipsius de anno 1488. 27. ja. ut ipsius ultima
mente ut producto fol. 21. et fol. 22. 4. .. quam tunc cum filiis tum ...
respondens alias producta anno isto 25. aug. per d. Comitem Henricum in causa quam
habebat d. Nicolaus cius pater,
dum venit quod d. Nicolaus, etc. Francisci pater Henrici quando ...
ad hic hereditatem d. Floris ... fecerunt contra ... in ...
more mansit ut fol. 20.
similiter quod bonum ... Stigensi in parte d. ... senior ...
... ascendenti d. Alog. patet ... et ... comitis
... fol. 64. et ... instrumentis ...
... Bradaco de anno 1497. 13 maij per ... filii, et
procuratorem d. Comitis Francisci fol. 72. et consequenter plene ... assump-
tum est probatum maxime in antiquis ... tempe ... anno ...
... leviores probationes sufficiunt ... indicia, et coniecturas. ut late p.
Mascard. de proba. conclu. 103. ...

3º quod d. H... ... Delicovidiko ... bona ... Melitano, ...
in favorem masculos ... descendentis ... fol. 21. et
infra dispositione.

4º quod omnis ... masculi ... descendentes ... d.
Hoc plene fuit ... in causa ... favorem decasa per ...
de anno 1495. coram Mag. d. Francisci Bradaci, ... descen-
descendentis ... petitione d. Alog. ... d. Franciscum ... sententia ...
... descendentibus ... processu, et ...
fol. 40. ... nec non ... bonis ...
... Mag. d. Comitis Alberti ... fol. 36. 4.

Ultimo quod ... casus Delicovidiki ... di-
... d. Floris in ... quam quod plene fuit ... in causa
... d. Francisci Bradaci, et ...
... a parte ... d. Floris. Nam licet primo ...
illius testamento, in quo heredes instituit Gherardo, Francisco, Nicolao, et Hospi-
cius filiis ... de ... masculis, et ...
... masculis ... descendentes ... eidem ...
... Delicovidiki ... Comitis ...
Nam quia ad Franciscum et Nicolaum defecit ... decessit relictis filiis

legitimis, et naturalibus vel in dubio unde expiravit in ipsis sublimiis, quamvis in praesens nulla com. descendentes masculi deleti, quia sufficit eos ad eandem semel in illam fuisse, licet in illa remanere non debeat. l. Regis, eorundem. l. de dote ad subst. quo vero D. Ghirardi, et Alexii, quia respectu capitis eorundem, cum omni familia fuerint passi seu, et Nicolaus, et hi substitutio sunt in ipsis fuerit solita affecta in ipsis, unde consumi non extenduntur ad praelatum. l. Romae. l. cum sermone ff. de verbis. Spiritualia. rem qua namque nec intuitione vulgarem sine [illegible], de cuius natura est ut non valente, vel non valente possit succedere succedat sequens, et vi admisso sequentes appellantur excludi non ad seq. in l. post dictum. l. de inoff. testam. subst. et in l. si ligna l. de gr. cuius opinionis non nulli extendunt quos refert M. A. Peregr. in tract. de fideicom. [illegible] tamen contrarium voluntatis in casu de quo agitur concludunt ab eo in prae fatis. quando intelleg. usque ad clausulam ubi dicit

Patet igitur aventitiam in casu de quo agitur D. Horis voluntatem esse exigeam fuisse ~~in commendatis bonis in sua familia~~ in subjiciendo bona sua Melisendi, et Moreciani perpetuo fideicommisso in futuram descendentium horum non solum simul esse et charitate fideicommissi indagavit disponendo quod bona nullam de [illegible] in haeredem masculos descendentes ex filiis suis, sed etiam ~~commune~~ forma quod ea evenit alienatio vel non inter vivos, quam in ultimam voluntatem, quo casu aliud requirit fideicommissum, nam prohibitio de alienando reputatur fideicommissum in casu contrafactionis ad favorem illius personae [illegible] fuit [illegible] ut in [illegible] in [illegible] et utrumque casum evenit in personam D. Alii [illegible] eo super fideicommisso descendentibus masculis D. Horis. Et in eo etiam formam conditio fideicommissi quod contraveniret, fuit alienationem, et contrafactionem D. Comitis Francisci Senioris, qui contra consensus, de papiae unde res caret, in [illegible] quemadmodum canit [illegible] fideicommissum quod [illegible] fideicom

Non obstat si [illegible] ut dicatur et [illegible] omnes [illegible] esse descendentes [illegible] Comitis Francisci quia [illegible] ~~conseq~~ mediante persona D. Comitis [illegible] patris haeredes et consequenter non posse venire contra factum [illegible] l. cum a matre. l. de rei vend. l. et quae personae ff. de reg. iur. quia respondetur quod conclusio praedicta procedit ubi [illegible] non est confecta inventarium, secus autem confecto inventario quia tunc haeres ~~ex~~ [illegible] potest contravenire ut per Gabriel [illegible] de reg. in concl. [illegible] omnes autem [illegible] pro filio [illegible] patrem suum cum beneficio [illegible] inventarii adierit, et etiam processum [illegible] alibarsit. [illegible] usque ad fl. [illegible] in eo quo [illegible] in [illegible] n. 55. n. 88. 3. vol.

Non obstat etiam si dicatur a die alienationis bonis consentientis quae fuit de anno [illegible] lapsos esse centum quatuor annos quo tempore [illegible] praescriptionem praescriptio etiam adversus Ecclesiam Romanam. c. cum res de praescr. ut dixi [illegible] [illegible] [illegible] possessione [illegible] [illegible] respondeo

quod etiam [illegible] [illegible] [illegible] posse opponi [illegible] [illegible] [illegible] appenditum inde [illegible] supplere, et admittere [illegible] [illegible] lap. [illegible]

~~quod~~ fideicommissarius res non praescribentur spatio etiam longissimi temporis [illegible] ad [illegible] fideicommissarius [illegible] non evenerit in eius [illegible] casus fideicommissi quia non valenti agere [illegible] non [illegible] praescriptio quod [illegible] l. i. C. de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] nisi biennale [illegible] l. i. C. de [illegible] [illegible] proinde [illegible] casu fideicommissi [illegible] omnes descendentes [illegible] D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non fuerit [illegible] ad illud fideicommissum, neque agere [illegible] [illegible] [illegible] mortem D. [illegible] [illegible] [illegible] quod fuit de anno 1693. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] fideicommissarius [illegible] [illegible] [illegible] non [illegible] etiam [illegible] [illegible] [illegible] [illegible] 30. n. 5. [illegible] [illegible] 60. n. 3. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 4 [illegible] n. 16.

~~[illegible]~~

Proinde [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in fideicommisso D. [illegible] [illegible] fideicommissum [illegible] [illegible] [illegible] [illegible] esse [illegible] [illegible] [illegible] D. [illegible] decima,

Pro R. Plebano [illegible] ad Vice Curato [illegible]. Allegationes in causa quartesiae [illegible] [illegible] appellationis

R. presbiter Bernardinus de Benedictis plebanus [illegible] [illegible] [illegible] [illegible] [illegible] Nicolaus V. Curato [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] decimas seu quartesias [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de quo [illegible]

R. Nicolaus [illegible] [illegible] [illegible] nullum ius competere [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] immemorabili tempore [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] nullo modo debere [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] inde [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] affirmative in favorem R. presbiteri Bernardini [illegible]

~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] ecclesiae parochialis [illegible]

parti illa contras... ilis ei et oppositis villa Saltij et Magredis ut fol. 17. et 18

Comprobatur etiam per instrumentum publicum confectum de anno 1[illegible] in quo (pro) generali fraternitatis S. Mariae de Magredis, benevolentiam [illegible] de D. Plebano Rimis eligendi unum sacerdotem confirmandum (licentia) [illegible] sine tamen praeiudicio D. Plebani in quartesio, aut modo quocumque alio, nec non sine praeiudicio iuris appellandi [illegible] Plebi et Ecclesiae [illegible] vigiliis, et anniversariis ut fol. 16. ecce [illegible] sacerdos [illegible] appellatur capellanus Plebani Rimis, et quod ad ipsum dicitur pertinere oblationes, [illegible] et similia ut ipse [illegible] obventiones [illegible] ad audientiam. de tele. ord. [illegible]

Comprobatur [illegible] ex eodem [illegible] D. Iacobi [illegible] Cancellarij [illegible] quod in libro [illegible] capella S. Clementis [illegible] pag. 13 — ut fol. [illegible] ubi [illegible] non est ecclesia parochialis quia differt [illegible] in missa, [illegible] ad audientiam.

[illegible] comprobatur per procurationem Communis et hominum Salti factam de anno 1398 fol. [illegible] in quo se vocant subditos Plebani Rimis ut fol. 21.

[illegible] comprobatur per inhibitionem D. [illegible] Aquileiensi factam de anno 1[illegible]. [illegible] Martij de persona [illegible] presbyteri Iacobi [illegible] de [illegible] ad praesentationem Communis et hominum [illegible] et Magredis [illegible] ecclesiae S. Mariae et S. Martini [illegible] villae [illegible] assignatione [illegible] et [illegible] sine praeiudicio iuris Plebis Rimis — ut fol. 22. [illegible]

Denique (probatur) comprobatur probando (consuetudinem) exactionem quartesij in [illegible] [illegible] qui omnes vel [illegible] quartesium vel solvendo [illegible] praestationem [illegible] ut [illegible] fol. [illegible] fol. [illegible] fol. [illegible] fol. [illegible] fol. [illegible]. [illegible] enim in consequentia [illegible] solutione decimarum et [illegible] communi antecedens (sinceri) [illegible] parochialis [illegible] decimas debentur. c. ult. in fine de deci. in fin. X

[illegible] ut [illegible] tituli monumentis (recentibus et antiquis) [illegible] praeiudicio [illegible] remanet [illegible] evidentissime probatur, quod ille, Saltus et Magredis sint subiectae parochiali ecclesiae de Rimis

Sicut hoc fundamento [illegible] (pro Plebano Rimis [illegible]) [illegible] in consequentia nam Ecclesia parochialis praetendens habet fundatam intentionem contra omnes suos parochianos [illegible] solutione decimarum. c. ult. in fine de deci. in fin. [illegible] in summa de deci. [illegible] et [illegible] in cons. 53. vol. 4. n. 1. usque ad 6.

[illegible] possessionis competit illi, qui [illegible] praesentiare [illegible] quosque decimas [illegible] decimas solvere [illegible] contra [illegible] religiosos, saeculares [illegible] generaliter [illegible] [illegible] decimas possidere [illegible] decimas [illegible]

[illegible] post [illegible] beneficij [illegible] nullas [illegible]

[illegible] in [illegible] consuetudine [illegible] alias, et [illegible] appellat, ut [illegible] S. Maria [illegible] fol. 25.

monere hoc [illegible] impediat [illegible] pere [illegible] ut illi [illegible]
possit in universum beneficii possessione [illegible] de Matri,
mandatum factum. Menoch. de retin. possess. remed. [illegible] n. 124. et seq. fol. 107.
et debet in tractat. de omnibus quest. [illegible] fol. 88.

Plebanus autem [illegible] in [illegible] ut probaret [illegible] beneficii
possessionem [illegible] per [illegible] decimarum et [illegible] possession[illegible]
exigendum in villis, ubi [illegible] capellae [illegible]

Non obstant modo quaestiones [illegible] opposita, nempe [illegible]
[illegible] curam animarum gesserint in istis villis, ubi capellae, [illegible] propterea sequitur
quod debeant habere decimas praediales. c. 43. incipiente Ecclesias. et
c. quicunque [illegible] ibi. quaest. 1. [illegible] decimas personales
scilicet oblationes, mortuaria, et similia. quia hoc non est verum et dato quod
esset non relevat. [illegible] per instrumentum 1500. fol. 18. in
quo Camerarii de capellis de licentia plebani Nimis obtinere facultatem
habendi proprium sacerdotem, qui curam animarum ibi exerceat sine praejudicio
iuris plebis Nimis, et quartesii [illegible] capellanus [illegible] confirmationem factam
ab ordinario [illegible] anno 1597 in personam [illegible] Bussetti de [illegible] ad praesentationem
[illegible] et capellis de [illegible] Mariae, et [illegible] Martini [illegible]
dumtaxat investitur de [illegible] ecclesiis obtinendis, [illegible] regendis, et gubernandis, ac in
eis curam animarum exercendam [illegible] sine praejudicio iuris
plebis Nimis ut [illegible] capellanus Pouleti [illegible] exercet curam animarum.

Sed dato hoc ut praejudicio quod capellanus Pouleti curam animarum exercuisset
in istis villis non propterea sequitur quod debeat habere decimas praediales. c. [illegible]
[illegible] ecclesiis. et c. quicunque ib. quaest. 1. ubi dicit quod ecclesiis
[illegible] nec decimis, nec illa possessione privari debent, ut novis
capellis tribuantur. similiter [illegible] c. quicunque canetur, ut [illegible] aliqua eccle-
sia intra alienam parochiam ecclesias antiquiores propter novas [illegible],
[illegible] decimas non [illegible], sed antiquioribus ecclesiis [illegible] ut ibi.

Sed multo minus [illegible] instrumento 1500. aperte deducitur quod
capellanus Pouleti habet solum [illegible] decimas personales scilicet oblationes, mortuaria,
et similia, [illegible] fol. 19. [illegible] nec non sine praejudicio iuris
capellanus [illegible] Pouleti [illegible] in primitiis, [illegible] universitatis [illegible]
[illegible].

Quia tamen materia ista decimarum est [illegible] et ecclesia [illegible]
[illegible] immemorabile [illegible] [illegible] in [illegible]
et [illegible] resp. lib. 1. [illegible] n. [illegible] et [illegible] est [illegible]
possessio [illegible], ut [illegible] possit [illegible] vice [illegible]
Pouleti et certe non [illegible], nempe quod [illegible] parochi[illegible]
[illegible] capellae Pouleti [illegible] ecclesiae illius parochiae [illegible]

Et sic non obstat [illegible] instrumentum [illegible] recens [illegible] 1597 [illegible] Castellanum [illegible] vel [illegible] Paul de [illegible] fol. 11. vol. 2 [illegible] [illegible]

Sine praejudicio iuris plebis Nimis in quartesio

[illegible] c. [illegible] de deci.

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unde c. ad audientiam de deci. cum ibi notatur gloss. et... ac glo. etiam in forma casus c. i. de postulat. in vi. unde sic se habent parit ad intentionem mandati

Plebani necesse est quod probet immemorabilem: et animadvertendum est quod non praetendit decimas seu quartesium universaliter in villis Salli, et Mapedis, sed novalium tantummodo, et alterius quartesium Braydae Masserianae, bonorum tentorum per Rolandi, bonorum tentorum per Drinduros, et bonorum per Antonium q. Vincentii Cechi ut declarat in sua scriptura fol. 25.

(margin: et ipse etiam in formatione casus in c. ad decimas de rest. spolia. in vi.)

quo ad Braydam Masserianam dicit pro teste Petrus de Nicolao fol. 11. qui dixit solvisse quartesium Braydam Masserianam pro qua solvit, et semper consuevit solvere quartesium dicto Curati Dovolet, sed ipse est testis unicus qui non probat contra de testib. et depositat de facto proprio contra. de quibus Decr. decis. 221. in pr. et Anto. q. 65. col. 2. vers. et Gabriel. ut in sum. conclus. tit. de testib. concl. 1. nu. 21. et licet etiam ad testis Valentinus de Dovoleo fol. 12. de qu. deponat de Brayda Masseriana tamen deponit de auditu, nec dicit a quo, et est de Dovoleo et consequenter interessatus sed impinguando Ecclesiae ubi est oriundus, et suscipit sacramenta, unde non debet ei adhiberi fides.

quo ad bona tenta per Rolandi, per Drinduros, et per Antonium q. Vincentii Cechi deponit Antonius f. Vincentii Cechi ad testis fol. 14. qui licet deponat quod ipse solvit quartesium nonnullorum bonorum tentorum in pertinentiis villae Mapedis, non tamen quae sint illa bona specificat, unde depositio illius est incerta, et vaga, praeterea est testis unicus qui licet deponat de facto proprio non tamen probat ut supra dictum est. quoniam ad bona Roland. et Drinduri non deponit affirmative, sed dicit se credere quod ipsi solverint, unde in eius depositione nullum fundamentum fieri potest.

Pro teste Zuanet Maria q. Aloysii Constantini fol. 11. dicit quod pater suus solvebat quartesium Curato Dovolet, et ipse postea solvit nempe pro campo vocato Mordil, pro campo vocato Lal, pro binis campis in villa, et pro alio campo vocato la bayonia: sed iste similiter est unicus testis, nec quisquam alius deposuit de hoc, et licet postea subiungat quod etiam solverunt etiam quartesium nempe Fiennes Leonardi Bazoni, Dominicus Bassolinus et familia Bolzonis Mioroz; tamen in hoc etiam est unicus testis, nec sit de specie quorum bonorum solvunt.

De novalibus succedendo quintus testis Franciscus q. Leonardi de Sal. qui dicit quod Curatus Salli exigit quartesium novalium tantummodo in pertinentiis Salli, et Mapedis et nominat quaedam novalia quae redacta ad culturam pro quibus dicit solvere Curato Dovoleti fol. 16. non tamen commemorat illa bona ad hoc specifica ut ibi effectu etiam.

Apparet igitur quod isti testes omnes sunt singulares in suis dictis unde non probant [illegible] Glo. 3. q. 9. c. licet causam. de probat. et Bal. in L. Iusiurandi col. 2. C. de testib. dicit quod tantum probant mille testes singulares quantum unus.

Nec obstat quod si diceretur sic pro probando in genere per Curatum Dovoleti esse [illegible] in quasi possessione exigendi quartesium in villis Salli, et Mapedis, quo casu videntur sufficere testes singulares nam [illegible] de

probando aliquid in genere, puta dictum esse usurarium vel esse haereticum, vel aleatorem vel blasphematorem, et similia, et unus testis deponit quod dictus mutuavit sub usuris Titio de mense Maij, alius testis probat quod mutuavit Titio sub usuris de mense Aug.ti ~~[illegible]~~ et sic singulares licet non probent illud eius particularem individuam mutuationem Titio sub usuris, tamen probant in genere illum esse usurarium; vel si unus testis deponit de uno articulo haeresis, alius de alio articulo, isti probabunt illum in genere esse haereticum, ut [illegible] Glo. in c. Accusari [illegible] de haeret. et Innoc. in c. qualiter, et quando il 2. de accusa. quia immo quod etiam ubi agitur de probando aliquid in genere non sufficiunt testes singulares late tenuit Alex. [illegible] supradictis auctoritatibus in cons. 72. vol. 1. n. 2. 4. et 6. ubi multos concordantes allegat. [illegible] [illegible] [illegible] testes. 8. quod dicti testes [illegible] quid [illegible] [illegible] Praeterea in casu de quo agitur non sufficeret D. Curati Poroleti probasse se esse in quasi possessione ~~exigendi quartesium~~ decimandi in totius [illegible], et Magredis quia ipse non praetendit ~~quartesium~~ decimas totius territorij sed partis tantummodo, et respectu quorundam bonorum, quod declaravit in scriptura fl. 25. unde recte erat quod concluderent et saltim per binos contestes probaret se respectu illorum bonorum specificatorum exegisse, quod non fecit.

Et fingamus dictos [illegible] praedictos omnes testes exa. examinatos, qui sunt quinque esse ~~[illegible]~~ concordes in suis depositionibus, non propterea tamen probarent immemorabilem, quippe qui nihil aliud dicunt nisi quod ipsi ~~solvendo~~ et ~~[illegible]~~ unus testis fl. 15. dicit quod ~~[illegible]~~ eius pater solvebat. ~~[illegible]~~ Testes saltem iuxta praescriptionem immemorabilis temporis cuius non est memoria debent dicere quod viderunt talem semper possedisse, et quod audiverunt a suis maioribus tali r. et talibus quod semper viderunt eum possedisse, et quod communis ~~fama~~, ~~et~~ opinio est quod ipse semper possedit, et quod numquam audiverunt, nec viderunt contrarium, ut per Rebuff. in tract. de deci. quaest. 13. n. 95. unde ut supradicti fuerit quod ad praescribendum ius percipiendi decimas in aliena parochia necessarius sit vel titulus cum 40. annorum quasi possessione, vel immemorabile tempus. [illegible] c. 1. de praescrip. in VI. neque in parte decantatum D. Curati Poroleti probatum fuerit requisitum ut praescriptionis allegatae exceptio in nihilo est suffragetur.

Et tanto minus [illegible] aliud propterea non praetendat aut consequatur ut probet quam ius percipiendi decimas ex donatione ut ex dictis suis scriptura fl. 25. aperte colligitur, quo casu etiam D. concludentissime probaret praescriptionem vel 40. annorum cum titulo, vel immemorabilem.

Nec obstat D. dicere nam quasi possessionem exigendi quartesium probari etiam per confessionem ipsius Rev. Plebani Alemnis mediante responsione ad [illegible] positionem fl. 8. dum videtur fateri quod exegerit quartesium donatum: quia respondetur quod immo responsio non congruit ad positionem; quia positio continet quod in

vide infra fl. 46

Ex probandum quasi possessionem iuris decimandi non sufficiunt testes singulares.

Pro Rd. Plebano Cinigrani ad Rdissare Gaspardis [illegible]

Sed non tenentur praestare haeredes defuncti

Condemnari debet praevendentis haeredes Rd. possessori [illegible] Gas-pardis Illmi Plebani Cinigrani ad relevand Rd. Jannis plebanum successorem a molestia ei illata per Mas.tis conventionem [illegible] pro impositionibus delatis in vita D. Rd. [illegible]. Item clerici subjecti beneficio [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible].
[illegible] autem tenentur praevendentis ad opera collecta [illegible] [illegible] [illegible] ... illud [illegible] non [illegible] [illegible] nec in hoc est insistendum siquidem [illegible] [illegible] in dubium, nec [illegible] tantum [illegible] est an compensationes [illegible] [illegible] [illegible] [illegible] et concludendum [illegible] [illegible] [illegible]. Item quia ad [illegible] [illegible] in [illegible] Rd. Jannis [illegible] ea ad manus suas pervenisse, neque [illegible] quidquam probatum exhibit. quod attinet ad quartam partem minutiis [illegible] [illegible] [illegible] Rd. Jannis eam praecedere [illegible] [illegible] haeredes Rd. Gaspardis licet ipse decesserit in fine mensis [illegible] pro tempore [illegible] [illegible] [illegible] successisse, [illegible] et [illegible] [illegible], quoniam per Bullam Julii: [illegible] incipientem [illegible] [illegible] [illegible] [illegible] [illegible] canonum ac [illegible] quod [illegible] [illegible] et non [illegible] pertinere ad successorem in beneficio non autem ad haeredes beneficiati etiam quod pro tempore decursu ante obitum beneficiati debeantur et eis solutionis dies cesserit, et etiamquod [illegible] beneficiati non [illegible] [illegible] illos exigerent, immo omnem [illegible] [illegible] necessariam diligentiam etiam [illegible] aliquid agendi fecerunt. [illegible] quam bullam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] decis. 143

quod attinet ad alia [illegible] melioramenta in domo [illegible] similiter praevend. [illegible]. quoniam meliorationes factae a beneficiato [illegible] [illegible] sunt [illegible] in vita, et [illegible] [illegible] beneficiatus, sed de [illegible] [illegible] retinere non [illegible] quia post [illegible] decessu ad Ecclesiam pertinent. c. fin. de pecul. cleri.

Praeterea quod [illegible] [illegible] procedit in casu de quo agitur in quo praevendens Rd. Jannis est liquidum. [illegible] [illegible] [illegible] [illegible] quod alias [illegible] praevendi [illegible] [illegible] non [illegible] non [illegible] [illegible], siquidem neque melioramenta [illegible] [illegible] [illegible] [illegible], [illegible], neque [illegible] quemadmodum [illegible] [illegible] manus [illegible] plebani [illegible] unde compensatio [illegible] locum habere non potest quo [illegible] ratio [illegible] neque admittitur de non liquido ad liquidum. L. fin. C. de compens.

[illegible] [illegible] condemnari debent D. haeredes ad relevandum Rd. Jannis pro [illegible] [illegible] [illegible] in reliquis.

Per il S. Curato di Campeglio contro Fiscal.

Il S. Curato di Campeglio è accusato di tanti mancamenti di diversi capi de quali quando fossero stati veri non vi è alcuno che sarebbe degno di gravissimo castigo. ma se mai furono querele che fossero al mondo false [illegible] fabricate [illegible] del [illegible] queste sono quelle che se fabricate tutte a [illegible] di [illegible] il Temporale di quei [illegible] il quale havendo [illegible] in questo [illegible] desiderio che si partisse da quella cura, non hanno altro motivo [illegible] che di [illegible] alla [illegible] quelle [illegible] che ritenero per loro contenti di questo desiderio a [illegible] il suo Patrone. et riducendole tutte a tre capi [illegible] mancamenti il S. [illegible] dalla Cancellaria dell' Ill.mo et Rev.mo Mons. sopra l'[illegible] [illegible] de testimonij il 3° con l'imputatione di [illegible]. dico quanto al primo che i testimonij esaminati non meritano fede alcuna, perché sono quelli [illegible] [illegible] ed [illegible] che habbia celebrato di mesa nella sua chiesa [illegible] prima [illegible] [illegible] molti testimonij del medesimo [illegible] [illegible] [illegible] quando [illegible] hanno [illegible] [illegible] come si vede [illegible] nel [illegible] processo a difesa, [illegible] me mancamente quando [illegible].

Di più viene accusato di molta negligenza in administrare i Santissimi Sagramenti cioè nel battezzare, nel confessare, nel comunicare, nell'estrema untione et quello che maggiormente importa viene imputato di esser mercante di tenere publica bettola, d'esser imbriaco, et biastemmatore et come [illegible] amente [illegible] nei capitoli della querela, et [illegible] specie che habbi [illegible] morire Vicenzo della Presa, Maria [illegible] et [illegible] senza confessione et gl'altri sacramenti. Et sopra questi mancamenti depongono [illegible] testimonij, cioè il 5. il 7. [illegible] il 15. il 16. il 18. il 19. il 20. il 21. il 22. questi medesimi testimonij depongono sopra [illegible], sopra la mercantia, et sopra la biastemma. et in particolare il [illegible] testimonio il [illegible] il 19. 16. [illegible]. il qual [illegible] tutte al capo, al [illegible], et [illegible]. [illegible] de quali [illegible] [illegible] non [illegible] [illegible] [illegible] manifestamente dalli testimonij esaminati a difesa sopra il 10. cap.lo cioè da Michele [illegible] testimonio a difesa la quale dice che fu presente all'[illegible] che fu dato a Vicenzo della Presa quando morse, et che [illegible] che s'era anco confessato, et comunicato, medesimamente Vicenzo della [illegible] [illegible] a difesa, sopra il 10. cap.lo il qual dice che [illegible] il detto Curato di Campeglio [illegible] confessò, et diede il santissimo Sacramento dell'eucharistia al detto Vicenzo della Presa. et nomina molti altri [illegible] che si ritrovarono presenti. Similmente che Maria di [illegible] fosse confessata, communicata et [illegible] senza [illegible] la depone [illegible] [illegible] a difesa sopra il 10. cap.lo la qual [illegible] era [illegible] del [illegible].

Il [illegible] de quali non [illegible] [illegible] testimonij, [illegible] [illegible] di molte cose non contenute [illegible] secondo [illegible] che loro viene in bocca et vano à [illegible] fare la [illegible] al [illegible] Prete. nella qual cosa [illegible] capo non [illegible] [illegible] [illegible] [illegible] [illegible] testis [illegible] [illegible] il 2. et sopra l'imputatione [illegible] [illegible] [illegible] a battezzare una creatura [illegible] [illegible] [illegible] [illegible] [illegible] testimonij [illegible] [illegible] [illegible] [illegible] [illegible] imputatione nel [illegible] processo, ma Giuseppe Biancino [illegible] a difesa. compare [illegible] [illegible] [illegible]

Più oltre che la sera innanti che morisse Marco Filippo il Sig. Curato s'intese chiamare a pigliare l'estrema unzione, ecc. egli l'havesse ritenuta lo depone Michele ... testimonio à detta sopra il 13. cap.lo et che la mattina seguente quando tornò à visitarlo lo trovasse già morto lo depone Domenico di Sebastian Filippo 12. testi. sopra il 7.mo la quale era cittadina del detto Marco Filippo, et si preferse all'uno, et all'altro fatto.

Questi sono testimonij che depongono affirmativamente, testimonij di visu, et parenti delli morti con i quali il Sig. Curato haveva continuato qualche maneggiamento; è ben verisimile che loro l'haverebbero più facilmente à dire di ... , et à dolersi.

Appare dunque chiarissimamente che i testimonij ~~...~~ essaminati ad offesa sopra questi particolari restano ~~manifestamente~~ convinti di falsità: onde essendo poi questi medesimi esaminati anco sopra l'ostaria, sopra l'ebrietà, sopra le bestemmie non meritano alcuna fede, perche ~~...~~ ~~...~~ ~~...~~ ~~...~~ ~~...~~ plurium delictorum testificantur, et in aliqua parte ... ... nec probant. Albert. in ... ... de commun. ... in ... ... in hanc ... ... nil ... ... non probent. ... ... Masicard. ... probat. ... ... conclu. 743. ... ... quod ... ... fundamento ... ... Masicard ... ... et Masicard. d. conclu. 743.

Ma tanto manco meritano fede, in quanto che ~~molti~~ sopra testimonij essaminati à difesa depongono il contrario, ~~cioè... testimonij~~ sopra il 13. cap.lo cioè il 2. il 3. il 4. il 5. il 7. l'8. l'11. il 12. et il 13. i quali testificano che il Sig. Curato non tiene ostaria, se bene à quelli che sono soliti venirgli à lavorare dà pane, vino et altra robba in ricompensa dell'opere: ne fù anco mercante, se bene alcune volte ... ... come ... ... compera ... ... et se bene questi depongono ... ... nondimeno essendo l'impu... ... tener hosteria et far mercantia ~~...~~ che non consiste in un atto momentaneo ~~...~~ ~~molto tempo~~ ... è cosa che ... ... possa vedere, et accorgersi di questo.

Medesimamente sono ... testimonij sopra il ... cap.lo che ... ... essere sacerdote di vita buona, et essemplare, ... ne imbriacarsi. Et havendo questi praticato molti anni con esso Sig. et in particolare il Sig. Parthenopeo, in casa del quale è stato un anno ... è impossibile se fosse macchiato di questi vitij che in così lunga prattica essi non l'havessero ... ... onde questi testimonij ... ... gentilhuomini, et di religione ... senza dubbio esser preferiti ancor che più ... perche ... ...

nelle sue depositioni et segnatamente nel 11. ... Ma ... morse ... ... l'acqua del battesimo, all'incontro il 12. testi. dice ... ... et ... ... contrarij. il 13. testimonio poi è contrario a se stesso.

Dice che quando il prete battezò l'acqua del battesimo la creatura era ... ... et ... ... che quando ... l'acqua ... più ... che ... di maniera che nel detto di costoro non si può fare alcun fondamento quando anco nelle ... non patissero oppositione ... ... la cosa dall'... che il prete ... ... il libro del battesimo à casa ... ... detta cosa che ... ... verisimile ... ... il detto delli testimonij essaminati ... il 13. cap.lo à difesa cioè di ... il 2. testimonio ... dice che il prete ... ... come ... ... Michele ... ... del battesimo à casa.

Tutti il 1. 2. 3. 4. 5. 7. 8. 12. 13. 15. et il 2. testi. ... ... modulo

dignior et pluribus proferantur, et in dubio testes rei praesumuntur deponere de [illegible] Mascard.; quemadmodum cum testes deponentes de reo delicto praesumuntur veritatem [illegible] de delicto, quia deponunt in eo, quod est contra naturam, quae praesumit hominem non delinquere, ut late p. Mascard. de probat. vol. 3 conclus. 1194 [illegible] n. 6 et seqq.

Ne tampoco meritano fede in quanto che [illegible] depongono cose inverisimili, perche se il Sig. Curato fosse renitente nell'amministrare i SS.mi Sacramenti, fosse intrattabile, fosse inumano, tenesse sotteria come viene dipinto, non è verisimile che fosse stato in tanti anni da suoi parrochiani sopportato in Curato in Compiobbi: et tanto meno confermato de' nominati cosi poco rispettosi ai suoi pastori spirituali; così così pleché, et maligni che possono ogni timore et del mondo. E ciò tanto più veramente, poichè molti Curati vendosi e tribolati e feriti e [illegible] ammazzare come avvenne il q. Mr. Mimbelli di Pre i Sconna, et a [illegible] Pre Martino che sono stati Curati in Compiobbi; così depongono sei testimonij sopra il 6. capitolo, cioè il 1. 2. il 3. il 4. il 5. et il 6. testimonio.

Ma tanto è lontano che in spazio [illegible] di tempo così lungo l'abbino mai [illegible] de' fatti; è apparente che [illegible] de' [illegible] più volte n'hanno fatti [illegible] del Sig. [illegible] di Giudale che ogni anno manda a tavola [illegible] [illegible] uniti alla sua mensa capitolare la spessissima testimonianza della buona et esemplare vita del Sig. Curato, come appare manifestamente per le fedi delle visite del Commissario del Sig. Cap. [illegible] quali si supplica la giustizia di V. S. di voler [illegible] ragionando, perchè certo pubblicano espongono chiaramente la calunnia e scoprono l'innocenza del Sr. petitore: non comportando il dovere d'essere in considerazione più una sola detta una volta che quella medesima detta più volte in [illegible] anni, et spontaneamente con l'animo libero, et sciolto, dove queste deposizioni sono supposte tutte ne' fatti dell'O. Temporale di questi testimonij [illegible], il quale fece i testimonij esaminati ad istanza sua [illegible]; et molti in questa [illegible] tutto contrari a quello che hanno sempre professato, et [illegible] dopo che il detto Sig. Temporale ha cominciato perseguitare in [illegible] il Sr. et procurare di [illegible] del Beneficio come depongono il 3. il 4. il 5. il 6. testimonio. [illegible] prudentissimamente dunque il legislatore nella Legge [illegible] de testib. non volle definire cosa alcuna circa alla credenza che si deve [illegible] testimonij, ma rimette ogni cosa all'arbitrio del giudice il quale [illegible] considerare semplicemente [illegible] la persona, il tempo, il luogo, la causa, et quanto [illegible] del verisimile il [illegible] del testimonio, [illegible] notabilmente difendere l'innocenza del Sr. Curato di Compiobbi, essendo [illegible] delli medesimi [illegible] testimonij pubblicamente [illegible] esemplare [illegible] tempo [illegible] [illegible] [illegible] [illegible]

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Risoluto il p.o capo di querela resta di rispondere il 2.do sopra l'imputatione di haver subornato il sopradetto Filippo del Ponte di Schellier à dover fare una depositione falsa à favore di Bettin fal. de Reana mio fratello, siquale cosa si contiene nel processo trasmesso dalla Cancellaria dell'Ill.mo S. Luog.te et à questo brevemente si risponde che tale sopradetto sprezzarsi di questo onde senza alcuna prova à pregiuditio dell'innocenza del R. di Campeis per più cause [illegible] testificavit, [illegible] in depositione anzi il contrario, et per tal contrarietà fu posto prigione, come appare in detto processo: [illegible] contrarius nunquam [illegible] ad condemnationem [illegible] probet. Glo. [illegible] [illegible] de testib. Bar. in L. cos [illegible] 3.o quia est [illegible] criminis, unde [illegible] nec [illegible] alteri [illegible] dicat, et [illegible] in [illegible] confitendo delicto [illegible] non respondit [illegible] in cost. [illegible] in [illegible] Alex. in c. [illegible] lib. i. et Menoch. in pract. crimi. [illegible] n.o 67. [illegible] in aliis multis [illegible] tit. lib. 2. cons. 4. n.o 47

Il detto marcco in quanto che m.o Francesco del q. Mane Chiarotto testimonio esaminato nel detto processo dice che sentì il R. dire al sudetto sopradetto che dovesse dire quello che sapeva: le quali parole di [illegible] ciò [illegible] appare il R. et à [illegible] che non l'haveva subornato [illegible] intentione era che dicesse quello che sapeva et non altro. [illegible]

Resta il terzo [illegible] imputatione della quale [illegible] non è legittimamente provata [illegible] credere [illegible] testimonij [illegible] et uno [illegible] [illegible] opposittione [illegible] in [illegible] dire [illegible] nel nome [illegible] come [illegible] è provato [illegible] testimonij [illegible] della [illegible] à [illegible] [illegible] nella sua depositione [illegible] essa stato presente quando il Bello [illegible] Bello, et [illegible] alle mani, et [illegible] d'haver [illegible] Pasquino, [illegible] il [illegible], [illegible] presente.

Gli altri interrogati de praesentes, [illegible] Pasquino. et [illegible] Daniele, [illegible] testimonij [illegible] il quale [illegible] della [illegible], [illegible] [illegible] [illegible]. [illegible] nel partire [illegible] di [illegible] parole [illegible] onde [illegible] Bello [illegible] [illegible] [illegible] che [illegible] [illegible] [illegible] [illegible], et contraria [illegible] ragione la qual [illegible] [illegible] [illegible] intelligenti [illegible] debeat [illegible] c. [illegible] de proba. Alex. in c.o 82 n.o i. col. i. [illegible]

Margin: n.o i. [illegible] c. [illegible] c. [illegible] de testib.

Margin: al rumore

Margin: [illegible]

spedita in materia de' precetti [illegible] di rappresentare alla [illegible] la predetta [illegible] il povero [illegible] giù di D. 60. [illegible] che aggiungerà [illegible] d'un'anno [illegible] del Benefitio il quale è unito alla mensa capitolare della [illegible] mio [illegible] ordinario [illegible] resta da considerare [illegible] in pace e [illegible] da [illegible] dove [illegible] anni [illegible] di [illegible] gh' habbino tempo [illegible] alli [illegible] delle [illegible] à vivere con che [illegible] nella sua povera fortuna [illegible] se [illegible] haverà [illegible]. Alli quali [illegible] è compassionare il [illegible] di questo infelice [illegible] non [illegible] e [illegible]

Proclama

[illegible] dell' [illegible] Sig. Marc' Antonio [illegible] giudice delegato dell' Ill.mo et R.mo Mons. Francesco Barbaro Patriarcha d'Aquileia [illegible], e publicando proclamans [illegible] de' [illegible] di [illegible] et Batta [illegible] della [illegible] relitta [illegible] Savorgnan, perche nel termine di giorni [illegible] prossimi venturi ne' quali [illegible] il [illegible] habbino personalmente a presentarsi nelle [illegible] del Patriarcato in Udene à difendersi [illegible] nel processo con [illegible] primo [illegible] del secondo [illegible] querele del q. [illegible] di [illegible] quello et [illegible] quello che [illegible] passar [illegible] il [illegible] nelle [illegible] in [illegible] chiamar [illegible] al [illegible] del [illegible], et havere [illegible] alcuni animali [illegible] che [illegible] Savorgnan [illegible] in certi campi à [illegible] Benedetto [illegible] con minaccie di [illegible] mandò à chiamare Battista [illegible] et tutti due insieme [illegible] al [illegible] [illegible] bastone [illegible] con tutti [illegible] circa à due [illegible], ne [illegible] Savorgnan [illegible] che con li [illegible] animali [illegible] casa [illegible] che [illegible] padroni [illegible] gl' animali della [illegible] Savorgnan [illegible] che [illegible] il [illegible] canevo [illegible] tanto che [illegible] detto [illegible] che à [illegible] un cavallo [illegible] à casa et dimandandolo [illegible] gl' animali [illegible] un [illegible] di [illegible] di [illegible] liberi [illegible], ma [illegible] un [illegible] da cavallo, et subito Benedetto [illegible] col bastone [illegible] una [illegible] percossa et mortalissima [illegible] la [illegible] [illegible] con [illegible] pochi [illegible] parlare [illegible] giorni [illegible] migliorato, contravenendo e [illegible] [illegible] et [illegible] [illegible] in processo, [illegible] passato, [illegible] comparendo [illegible] [illegible]

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1. Complementa [illegible]

Salvi, et Aggredi ac eas [illegible] ... producens. et in antecessores pacifice semper percipiendi quartesium partis bonorum [illegible].

Nam R. Plebanus retrahendum [illegible] non credere ut [illegible] ... quartesium [illegible] novalium, et [illegible] bonis; cuius responsio nil ... [illegible] postea in sua scriptura fol. 25. [illegible] ... et [illegible] novalia, dicens sibi deberi quartesium novalium; et hoc probari non [illegible] testes, [illegible] confessionem ipsius R. Plebani. sed nescit quid retro.

Nam dato etiam quod concludentissime probasset vel praescriptionem [illegible] cum titulo. vel praescriptionem immemorabile tempus; [illegible] percipiendi decimas in alieram parochiam praescriptione acquisitam, ad novalia minime extenderetur [illegible] in c. cum contingat. de decim. [illegible] ... et ratio est quia tantum praescribitur quantum possidetur. ~~[illegible]~~ ... ~~[illegible]~~. et praescriptio non procedit sine possessione ~~[illegible]~~. Unde cum quis non possideret decimas novalium cum nulla essent, ergo eas praescripsisse non potest, quia sine possessione praescriptio non procedit. l. sine possessione. ff. de usucap. et reg. sine possessione. de reg. iur. in vi. et habet in hac. de deci. quaest. 14. no. 10. et ei. [illegible] ... resp. lib. 1 cap. 17. no. 13. neque obstat c. ex parte 13. de deci. ubi habetur quod privilegium de percipiendis decimis alicui concessum etiam novalia continet. quia respondet [illegible] in d. hac. de deci. quaest. [illegible] 31. quod aliud est in privilegio, aliud in praescriptione. 2° respondet [illegible] ubi supra no. 13. quod in d. c. ex parte concessio decimarum [illegible] ... debebantur, sed praescriptionem, vel privilegium eas [illegible] ... Nam hinc quia [illegible] ad suam naturam [illegible] privilegium continet causam favorabilem [illegible] largo [illegible] ~~[illegible]~~ ... ~~[illegible]~~.

Ex praedictis ergo patet manifeste quod allegata quasi possessio decimandi [illegible] D. Pauleti non est cum titulo, aut immemorabilis unde [illegible] non potest ~~[illegible]~~ ~~[illegible]~~.

Remanet modo solvendum aliud dubium [illegible] ... quod non potest [illegible] quasi possessione [illegible] mandati [illegible] ... [illegible] mandatum [illegible] ... Plebani, et [illegible] praescriptionis non minor esse debet quam immemorabilis [illegible] ... possessio ad decimas, quam quidem immemorabile [illegible] non probari.

Ad. in decis. 263. [illegible]

2° respondet quod mandatum [illegible] ... sed [illegible] ... [illegible] debeat [illegible] ...

3° respondetur quod licet [illegible] ... [illegible] ... 3. no. [illegible] 344. [illegible] ... de [illegible] in vi.

Reg. ipsius in [illegible]

Tu. quod [illegible] allegata quasi possessio ... [illegible] ... in [illegible] ... [illegible] ...

ubi habetur quod licet clericus per longum tempus perceperit decimas infra alienam parochiam, et de facto fuerit spoliatus a rectore parochialis non potest retineri nisi [illegible] possessionem [illegible] titulo medio eius habuit possessionem [illegible] [illegible] retinendo, sive recuperando quantum [illegible] [illegible] omnia iura clamant spoliatum imprimis et ante omnia esse restituendum omni exceptione postposita. [illegible] ad [illegible]. [illegible] [illegible] c. in literis. de resti. spolia. et c. conquerente. eod. tit. c. inullus. 2 q. 2. c. [illegible] spoliatus [illegible] c. in literis. de resti. spoli. et in c. coloniis. et in c. cum [illegible] ff. de vi. et vi armata. et idem est in iure [illegible] competit ius ad possessionem consequendam: ut not. Bar. in l. [illegible] ff. de [illegible] et sequuntur [illegible] [illegible] col. 3. de resti. spoli. tamen [illegible] Parocho spoliato predicta non procedere [illegible] decreto [illegible] decimas de resti. spolia. [illegible] quia [illegible] est [illegible] dispositioni consentaneum, ut decimas personales [illegible] parochiali, [illegible] ut [illegible] [illegible] non potest [illegible] [illegible] de titulo [illegible] medio habuit [illegible], quanto minus [illegible] potest in casu de quo agimus in quo non est de facto spoliatus sed agimus de spoliando [illegible] Plebanus id non prosequitur [illegible] [illegible] ti [illegible] Pontoli in [illegible] [illegible] ultra [illegible] et [illegible] [illegible] continet mandatum

Continuationis [illegible] debet mandatum [illegible] Nimis, ut [illegible] integraliter [illegible] decimare [illegible] ultra [illegible] et [illegible], quod [illegible] [illegible] attento quod Cappellanus [illegible] est [illegible] [illegible] qui [illegible] de titulo aut de [illegible] possessione, quinimmo [illegible] debere [illegible] [illegible] ex [illegible] partem [illegible] percipere [illegible] [illegible] sed [illegible] post [illegible] [illegible] [illegible] declaravit [illegible] [illegible] [illegible] de [illegible], nec de [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] probationem et tanto magis quia [illegible] [illegible] [illegible] [illegible] de dec. [illegible] quod [illegible] plene [illegible] probatum, quinimmo [illegible] [illegible] de anno 1508 [illegible] Cappellanum Pontoli non habere aliud ius quam percipiendi decimas personales. [illegible] fieri debet [illegible] quod [illegible] [illegible], et [illegible] quod [illegible] [illegible] in [illegible] materia decimarum, quam [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible], sive retinendo sive recuperando [illegible] [illegible] probatum [illegible]

[illegible] possessionem [illegible] reddere debet [illegible] [illegible] ratione quod Plebis [illegible] propter [illegible] plebanus [illegible] [illegible] ut non [illegible] [illegible] plebani, quemadmodum [illegible] est, de quo [illegible] [illegible] [illegible] [illegible] [illegible] in l. [illegible]
[illegible] [illegible] [illegible] clemente. appellatio [illegible] appella [illegible] [illegible]

in [illegible] [illegible]

+ quod de [illegible] [illegible] Decis. [illegible] in causa [illegible] Antonii. col. [illegible] [illegible] [illegible] 62 [illegible] 50 lib. [illegible]

[illegible]

+ [illegible] ut [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible]

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Pro D. Armenatio c[ontr]a D. Greato

D. Greatus investitus fuit in ecclesia parochiali Malisand sub die 17. iunij anni 1598. ut constat ex eius bullis fol. 20. seu [illegible] data ipsarum quod est fol. 26. et percepit omnes fructus proventuum, minutas et uini illius anni; non tamen peracto anno, quinimmo uix transactis septem mensibus deseruit curam quod fuit de mense Aprilis 1599. Statim post festum Paschalia in grave praeiudicium animarum dictorum parochianorum quibus propterea necesse fuit inuenire alios sacerdotes, et saepe numero ad opportune eos inuenire non potuerunt, factum est, ut nonnulli absque sacramentis ecclesiasticis ex hac uita migrauerint ut deponunt testes fol. 9. 4. fol. 20. 6. et 5. fol. 22. [illegible] Parochiani Malisand accesserunt illinc sub die 6. Maij 1599. conquesti quod [illegible] derelicti essent, unde ad instantiam D. Comunis Malisand factum fuit mandatum D. Greato, quod sub poena suspensionis admonis deberet ad curam residere. mandatum ipsum productum fol. 26. praesentatum fuit D. Greato ut constat de relatione praesentationis fol. 26. et demum 20. Maij instituerunt pro illius confirmatione ut fol. 26. [illegible] ~~D. Greatus contumax esse nihilominus nisi fuit [illegible] noluit procedere ad suspensionem~~ postremo redeunte coram Ill.mo D. [illegible] ipse mandauit D. Balthasari [illegible] ut literas praeciperet D. Greato ut ad curam rediret, quas [illegible] fecit ipse, dedit literas sub die 20. Iulij ~~quod [illegible]~~ et ut allicere D. Greatum ad residentiam pollicitus est quod si admissa fuerit remuneratio pro rata temporis pro tantis interuenisse habuisset fructus. ut fol. 4. quarum literarum occasione D. Greatus nullam curam confiderit habens aduenit in iudicium D. Armenatium successorem in beneficio, petendo ipsum condemnari ad tribuere fructus pro rata temporis quo interuenit ecclesiae pro quibus literas [illegible] et licet in instructa non declarauerit quo tempore praetendat ratum fructuum. tamen ex eo quod deducit [illegible] fol. 5. quod ipse interuenit ecclesiae Malisand de mense Maij 1599. usque ad 13 [illegible] 1599. uidetur eo illius quod praetendat ratum fructuum ... D. Armenatius [illegible] ei nullum ius competere petendi ea quae petit, ~~[illegible]~~ in [illegible] inde euidens modo ipsa debeat absolui, et dubio profecto uenit respondendum affirmatiue in illius fauorem.

Itaque D. Greatus ad iuramentum fecit positiones quod caepit interuenire de mense Maij 1598. et interuenit usque ad diem 13 [illegible] 1599. ut fol. 5. hoc esse falsum manifeste patet ex datis bullarum suarum quod est sub die 17. Iunij fol. 26. unde ex hoc solo capite quando dies non concurrunt deberet licentiari, quia si iam in causa, in qua sine controuersia audiendus non est. c. dilecti, et ibi [illegible] nag. de iurament. [illegible]

debet etiam licentiari quia non probavit se inservivisse ~~ultra annum; nam~~ ~~[illegible]~~ : nam p.s testis fol. 8. dicit che [illegible] di maggio, et non se altro.
3s testis fol. 7. dice che non sa quando venne a servire, ne quando partisse, ne unde credi [illegible] ad [illegible] et se affirmative, et [illegible] non deposuit
2s testis fol. 9. et 4s fol. 10. dicit che venne a servire di Maggio del 98.
et [illegible] fino ad [illegible] del 99. [illegible] certe deponit falsum esse [illegible] a servire
di Maggio [illegible] venne [illegible] [illegible] et [illegible] bullis, et etiam
[illegible] quo fuit deputatus [illegible] ad inserviendum [illegible] fol. 10. unde
in nihilo merentur fidem quia falsum [illegible] in aliqua parte sui examinis [illegible]
examen reddit falsum ut probat [illegible] in [illegible] de transac. [illegible] de com.
[illegible] 13. in fin. de fid. instr. quod quidem [illegible] emphatice [illegible]
[illegible] separatim, et [illegible] falsitas [illegible] in uno [illegible]
[illegible] probare [illegible] in q.s 81. [illegible] 6. vol. 2 [illegible] in c. [illegible]
[illegible] de [illegible] etiamsi falsitas esset [illegible] in modico, quia nihilominus reliqua
nihil probat [illegible] Mascard. de probat. [illegible] 2. conclu. 743.
Ceteri vero [illegible] quattuor testes examinati, quod primus et tertius ignorant. 2s
et 4s qui dicunt quod inserviunt [illegible] usque ad mensem [illegible] non merentur fidem
quia [illegible] deponit quod coepit inservire de mense Maij in quo expresse [illegible]
[illegible] bullas. unde [illegible] debet abstineri [illegible] quia [illegible]
probante reus debet absolvi etiamsi ipse nihil probaverit [illegible] de edend.
Sed tanto fortius [illegible] presumptionibus et [illegible] in contrarium.
Nam si ipse testem non deposuisset, continue usque [illegible] non fecisset, et
[illegible] quod deberet [illegible] ad curam [illegible] die 6. Maij fol. 26. [illegible]
[illegible] die [illegible] eiusdem mensis non [illegible] confirmationem
[illegible] fol. 264. [illegible] curam [illegible] fuisset [illegible] usque [illegible]
[illegible] literas non extrahet sub die [illegible] Iulij [illegible] per [illegible]
fol. [illegible] accedit depositio [illegible] examinat. [illegible] semper
2s fol. 18, 4s fol. 20. et 5s fol. 21. qui dicunt che [illegible] dalla
[illegible] ad che [illegible] e non una volta i di messa. quod potuit
accidere post receptionem literarum [illegible], sed etiam [illegible] redijsse
quod expresse [illegible] die [illegible] Iulij quo [illegible] usque ad [illegible]
usque quo [illegible] ipse [illegible] nihil [illegible] debebat [illegible] de mense
[illegible] curam [illegible], nam [illegible] omnes fructus anni 1598. tenebat
usque inservire usque ad diem [illegible] Iunij 1599. [illegible] beneficio, unde
[illegible] menses antea recessisset, licet postea [illegible] literas [illegible]
[illegible] fuisset [illegible] quod tempus non [illegible]
quibus [illegible] debet [illegible] necessario [illegible] beneficio [illegible]
[illegible] fructuum [illegible] depositionibus [illegible]

Pro nob. d. Ioanne Wigelo de Arempto
cum
Simone Colamnio de Aroyrano
&c.

Nob. d. Ioannes Wigelus de Arempto cum petitione cum ipsius in iud. cum productis &c. Simonem Colamnio de Aroyrano qua conclusive petere videtur ut illa contractu de ipso etc. se dominis et retractu diorum camporum sufficientibus vice sua in loco dicto [illegible] per venditorem Colamnio, et per Hieronimum Colamnio eius fratres apparatos, et ac in alio puncti petitione ad quam Contrafactis exceptis improprietatem relatio habeatur, benis exceptionis generalis declinari, et manifestis fraudis, calumniae, et multa dicit nullas ei ius competere petendi ea que petit. Attento ei quo ad unam ex dictis conditionibus, promissione de manutenendo ipsius factis et precessis venditores, et quo ad aliam scientia ipsius [illegible] quippe qui fuit mediator, unde ad interventionem legis non tenendi cancellat et alia quod ei nec ius competisse valliji debet excludi et propterea inde se absolvi a termine incohata actione cum expensis. Et ut respondens praeparatoris dicit se possidere campos in eo descriptos in titolo et legitimo modo.

Pro Magr. d. Luce Altena
cum Bernardino fratre
Alles.
in causa comedatus pretendente colonos possessor seminare integrum fundi fructibus mensibus a novemb. ibi dominio cum petitione mann. d. Magr. solvo.

Magr. d. Lux Altena de anno 1596. 30. mensis iunii amplius affictus ad quinquennium locavit quendam suum mansum in pertinentiis Cappati Bernardino Fulce de Vicetia pro pag. nt. 18. distinctis 3 mod. 17, ultra quod ad eum usum ad colend., et usufructuandum, meliorandum, et non deteriorandum.

Vocato adiecto, quod non in esse eius dationes, quam conductus solvantur bine dedit meliorementis, et deterioramentis, et quod d. locatrix teneatur eligere mansum etiam quod non sit hospitalium, sed aratum intendendo pro dimidia ut de praesenti repetita. quas mentionat praecise locationis producta in processu fol. 2.

Et quia conductor pluribus de causis male versabatur in hac locatione, Magra. d. ne finita locatione deveniret ipsum exponere prout fecit sr. Inst. fol. 7.

Tamen dixit expletis prae-
mentionato / novembris

et quia ... ad providendum d. locatrix quaerens tollere seu enarrare locationem et velle dicto manso fructibus minuis seminare, fecit ei fieri intimationem, tempore usque sub die 9. Iulii, quod non deberet seminare nisi teneatur fructus immuniet, sed relinquere dimidiam partem ipsius vacuum, et arato in inde formam locationis, ex quo d. d. luce non intendebat eum amplius habere in colonum, aliter protestabatur de omnibus damnis, interesse, quod colonus successor habet de causa petitiones, fol. 8. t.

Occasione huius intimationis formatus est processus in praesenti expediendus, quia colonus praetendens ... conductor dixit pretendens non teneri dimidiam fundi partem dimittere aratum, sed totum fundum seminare esse, et ... providendo facto expendunt

hic fecit. et pro factore etiam exceptione mag[is] producit fol. xi. in capitulo quod ex consuetudine huius patriae consuetudine in casu remanent coloni tenentur arare terras stilus arari, sed non in causa condictio et [illegible] fuit ex parte D. huius capitulo esse omnino impertinens, et produxit terminus peremptorie [illegible] fuit die [illegible] fol. [illegible] D. [illegible] mandavit sibi [illegible]

unde sub quaestione nunc cadit an debeat reiici capitulum [illegible] intimatione [illegible] vel potius admitti, et dubium profecto venit resolvendum affirmative in favorem D. [illegible]. nam cum ipse fundum locavit utique erat pro dimidia aratus, hoc enim exprimitur in ipsa locatione, unde profecto non restituerem pro dimidia aratus negari non potest quia debet [illegible] ac habens fuerit redactum et proinde cum locatio facta fuerit ad meliorandum et non deteriorandum [illegible] in verbis illis, et [illegible] indubitabile quod tum in casu habitur [illegible] conveniens colonum sine indemnitate [illegible] et deterioramenta, colonus profecto evadere non potest solutionem illius deteriorationis. nec obstat quod in locatione dicatur quod D. locator teneatur recipere mansum etiam quod non sit [illegible], quia [illegible] est [illegible], quod ipse [illegible] pretendit et unicum aratum [illegible]

similiter conductor tenetur omnia facere quae sunt de natura locationis et consuetudine regionis. L. si merces. §. conductor ff. loca. alias propter imperitiam culturam tenetur ad interesse, quia inordinata cultura est noxia, ut dicit Bal. in d. L. si merces. n. 5. ff. loca. sed negari non potest quin seminatis integro fundo frugibus mensis [illegible] adiutus non potuit [illegible] seminari [illegible] et consequenter nec [illegible] maxima pars [illegible] in [illegible] et litispendentia [illegible] locatione, [illegible] debet teneri ad interesse. et in terminis quod colonus qui [illegible] seminavit contra naturam praedii ut dominus insequenti anno damnificetur teneatur ad interesse tenet [illegible] in L. et [illegible] distinctio. ff. loca. refert et sequitur [illegible] qui rem [illegible] de [illegible] et [illegible] Caroli in [illegible] loca. et cond. [illegible] 8. n. 6. fol. [illegible]

Proinde cum [illegible] fol. [illegible] aliud non continet nisi quod conductor [illegible] seminare integre fundi frugibus mensis ad dimidiam partem dimittere aratum prout erat tempore locationis, aliquid facta [illegible] praestatio de omni damno et interesse, [illegible] [illegible] deterioratione [illegible] competentis ex ipsa locatione, et interemptione, [illegible] et propterea confirmari debet ipsa intimatio, [illegible] [illegible] tamen non quoniam profecto [illegible] colonus tenetur arare, quia [illegible] habeat [illegible], sed ut [illegible] arare quia [illegible] recepit fundum, et in eo etiam dimittere tenetur, [illegible] per deteriorationem, ad [illegible] [illegible] in casu [illegible] in locatione, et [illegible] unde confirmari debet [illegible] intimatio ac praestatio de damno [illegible] [illegible] [illegible] expensas [illegible] [illegible] [illegible] et [illegible]

Non est colere fundi inordinate et non id quod decet, et [illegible] [illegible]

Tres [illegible] locatione colonus [illegible] fundi [illegible], quia [illegible] tenetur [illegible] natura [illegible] [illegible] [illegible] nam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Pro D. Ioanne Michiels
contra
D. Franciscam Bruna
Alleg.
in causa sponsaliorum

[illegible]

Absolui debet D. Ioannes Michiels de Ulmeck ab instantia matrimoniali D. Franciscae Bruna, siquidem non sint sponsalia iurata ut praetendit pars [illegible] cogi ad contrahendum [illegible] c. ex litteris de spons. et ubicumque sponsalia non fuerint contracta cum iuramento tunc Ecclesia non compellit alterum ad praestandum ad contrahendum, sed tantum monet, et hortatur Gl. in v. iudicio ecclesiae. c. 7. de desponsat. impub. Ab. in c. requisiuit. de spons. in fine.

Non obstat modo [illegible] sponsalia immo fuisse iurata ut constat testimonio parentum D. D. Franciscae, quia multipliciter respondetur. primo quod licet parentes utriusque sexus in causa matrimoniali [illegible] vel filiae deponere possint. c. videtur. qui matri. accus. poss. c. super eo de testib. tamen hoc illi demum procedit ubi nulla est disparitas conditionis inter sponsos, quia tunc inaequalitas nec parentes nec coniunctis committitur ad contrahendum matrimonium ut probat textus in d. c. super eo. et ibi Innoc. in prin. ac Ioan. Andr. Ab. in c. videtur in fine. vers. quare conclu. de qui matri. accusa. poss. Alex. cons. 150. [illegible] col. 1. ~~[illegible]~~

ista autem qualitas, quod non sit disparitas inter masculum et feminam debet probari, et probari ab illo qui se fundat in dictis parentum, vel coniunctorum. Paris. cons. 58. nu. 20 et seq. vol. 4. quod [illegible] in casu nostro, immo debet praesumi contrarium ex quo pater D. Ioannis numquam voluit praestare suum consensum. Praeterea illi parentes debent esse [illegible] et probatae conditionis. Paris. cons. 15 nu. 38. vol. 4. Ias. cons. [illegible] nu. 25. vers. accedit etiam vol. 2. [illegible]

2do. respondetur quod parentes non sint [illegible] sola enim mater dicit se fuisse praesentem tunc [illegible] iuramentum, [illegible] et [illegible] non probat. c. licet. c. veniens. de iureiurand. de testib. [illegible] testimonium unius non [illegible], nec condemnat. c. admonere [illegible] c. in nomine Domini de testib. et licet pater D. Franciscae [illegible] dicit [illegible] fuisse [illegible] ab uxore, [illegible] quod erant praesentes et D. Ioannes, et D. Francisca sponsi, et quod ipsi ore proprio confirmarunt [illegible] D. Ioannis Bruna [illegible] tamen [illegible] in [illegible], unde [illegible] remanet in [illegible], et consequenter non sufficiens ad [illegible] iura supradicta [illegible]

3. respondetur quod ista sponsalia qualiacumque [illegible] non fuerunt [illegible] sed conditionalia quatenus [illegible] D. [illegible] praestaret consensum, et ita ipsemet [illegible] respondet ad [illegible] fol. 4. [illegible] et [illegible] D. Michiels Ulmeck [illegible] fol. 12. unde quando [illegible] fuisse [illegible] non [illegible] sub qua [illegible] contraxit [illegible] ~~[illegible]~~ [illegible] [illegible] conditionalis [illegible] non impleta [illegible] c. [illegible] de cond. [illegible] et quod aliquid conditionale [illegible] in iudicio debet [illegible] Ab. in cons. [illegible] et conditio [illegible] [illegible] non fuerit. [illegible] de [illegible] [illegible] quod [illegible] quod [illegible]

quasi volleret [illegible] impedimentum, quia immo [illegible] patris [illegible] defectu conditionis, cum [illegible] amplius [illegible] siquidem [illegible] velle, [illegible] [illegible] semel [illegible] [illegible] [illegible] [illegible] esse [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod conditio consensus paterni [illegible] [illegible] [illegible] defecit [illegible] [illegible] [illegible] [illegible] consensu [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sententiam semper ~~[illegible]~~ [illegible] iudices inclinare [illegible] matrimonii [illegible] debere et non contra, siquidem [illegible] [illegible] [illegible] solent habere intellectum [illegible] [illegible] et [illegible] et prudentia et [illegible] [illegible] [illegible] [illegible]

Ex mandato pro munera [illegible] [illegible] [illegible] de matri[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Cardinalis [illegible] Tonemadmodum [illegible] in c. [illegible] de [illegible] in [illegible] [illegible]

Pro Cl. [illegible] Andrea [illegible] [illegible]

In causa iuris patronatus

Ex preambulo institutionis [illegible] [illegible] Andreae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] nomine fuit presentatus praedictus Andreas [illegible] [illegible] [illegible] de universitate qui etiam ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] verum quia in facto [illegible] verum non [illegible], siquidem [illegible] [illegible] habet [illegible] partem [illegible] [illegible] [illegible] et non omnes de universitate, cum maior pars [illegible], [illegible] nunc [illegible] an institutio [illegible] fundata in falsa causa [illegible] [illegible]!

et [illegible] [illegible] [illegible] verissima, quod ius patronatus [illegible] plures [illegible] est apud [illegible] [illegible] siquidem est ius indivisibile, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 26. 27. et 28. [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et ad illius praesentationem debet sequi institutio, quod est actus necessarius;

concludendum [illegible] est sustineri [illegible] debere [illegible] [illegible] quod [illegible] de sententia, quae [illegible] [illegible] ex causa partim falsa, et partim vera sustinetur ex vera. [illegible] in c. in praesentia de renunc. no. 8. [illegible] ex facti narratione apparet quod [illegible] [illegible] causa [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in l. [illegible] [illegible] [illegible] ff. de verb. obl. n. 51. [illegible] causa falsa fuerit expressa causa legitima [illegible] [illegible] [illegible] causa legitima. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de renunc. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] n. 35. ff. de verb. oblig. [illegible] [illegible] [illegible] [illegible] habere partem in hoc iure patronatus, et [illegible] [illegible] [illegible] [illegible] tempore 4. mensium praesentavit, et [illegible] et [illegible] illius praesentatio sufficiens fuerit ad [illegible] [illegible] institutionem [illegible] [illegible] [illegible] [illegible], [illegible] concludendum est institutionem esse validam etiam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et non [illegible], quia [illegible] [illegible] [illegible] causa partim falsa, et partim vera, [illegible] debere [illegible] [illegible] [illegible], quia semper debet interpretatio fieri, [illegible] [illegible] [illegible]

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valeat, quam pereat. l. quoties ff. de reb. dub. ubi ista praesumptio validitatis actus potentior est, et praevalet alijs praesumptionibus. l. in contrahenda. cum Decc. n. 6. ff. de reg. iur. n. 22. c. continuatis de rescrip. ubi Abb. n. 3. et idem Decc. in cons. 22.

Sed tanto fortius, quia tenebatur neque poterat denegare institutionem ad solam praesentationem D. Petri, cum alijs compatronis non procedentibus.

Alias sequeretur quod [illegible] appellaverit ad ordinarium, et quod hic modo [illegible] haberet [illegible] [illegible] compatronum, et iure suo privaret alijs [illegible] quod dici non debet. [illegible]

[illegible] [illegible] [illegible] [illegible] contrahentium [illegible] valerent eius pariter [illegible] [illegible] [illegible] non se referunt [illegible] [illegible] [illegible] generaliter [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] praesumptio [illegible] [illegible] [illegible] eiusdem [illegible] autem [illegible] 170. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] quod D. [illegible] [illegible] de anno 1582 [illegible] [illegible] D. [illegible] [illegible] [illegible] dote [illegible] quod de anno 1586 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] quod [illegible] [illegible] instrumenta [illegible]

Et concludendo [illegible] est non obstare, nam quando praecedit dotis promissio [illegible] marito, et postea sequitur confessio eiusdem mariti de dote recepta, [illegible] [illegible] [illegible] [illegible] veram numerationem dotis [illegible] in praeiudicium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sed etiam creditoribus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Bal. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et Gabriel. [illegible] [illegible] commun. conclu. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] renunciata [illegible] exceptione non numeratae pecuniae, et [illegible] [illegible] tempora opposendi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] l. Andreas. C. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] decis. 196 [illegible] ubi dicit quod confessio dotis receptae [illegible] in [illegible] matrimonio [illegible] [illegible] [illegible] mariti, [illegible] [illegible] [illegible] [illegible] [illegible] renunciatum est exceptioni non numeratae pecuniae, vel [illegible] [illegible] tempora opponendi [illegible] exceptionem.

[illegible] [illegible] [illegible] D. Portia [illegible] [illegible] [illegible] [illegible] [illegible]

([illegible])

[illegible] Abbatissa [illegible] Clara de Feltro [illegible]

Negari non potest quin ex verbis [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] Abbatissa [illegible] consensu ipsius [illegible] [illegible] [illegible] [illegible] monasterio, [illegible] propterea nulla [illegible] poena [illegible], quia regula [illegible] iure est, quod [illegible] [illegible] [illegible] [illegible] [illegible] a dolo, et a poena doli [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible], [illegible] [illegible], [illegible] [illegible] a dolo, [illegible] [illegible] in l. [illegible] [illegible] [illegible] de plagia. [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de commun. Et licet [illegible] mox postea eandem puellam recepisset in monasterio, [illegible] [illegible] [illegible] [illegible] [illegible] omnia procedendo [illegible] [illegible], et [illegible] [illegible] [illegible] non tamen inferri potest quod [illegible] [illegible] recipiendo [illegible] [illegible] [illegible] absque licentia, [illegible] [illegible] [illegible] eandem [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] dolus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] etiam D. Cancellarii [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Abbatissa seu propterea incidit in excommunicationem [illegible] [illegible] ... ~~de [illegible]~~ ... in [illegible] ... diabolo. [illegible]

[illegible] ... percutiat clericu[m] eadem [illegible] ... unam tamen excommunicationem tantum incurrit non plures ... de [illegible] ... can[onici] [illegible] ... cap. [illegible] post n. 8. vers. quarto si eundem.

Sed hoc dixi [illegible] quod [illegible] ... Abbatissa sive in [illegible] sive in recipiendo sive [illegible] ... ~~[illegible]~~ esse dare perpendum [illegible] Triden. ap. V. sess. 25. imponit poenam excommunicationis [illegible] intra septa Monasterij sine licentia ordinarij, et sanctimoniales post professionem egressas, et [illegible] excommunicatio afficere [illegible] [illegible] ... si modo dici posset quod se [illegible] ... et maxime in [illegible] ... de comparere in iudicio et [illegible] quod non [illegible] ... et [illegible] conditio non [illegible] de Abbatissa

[illegible] ... sub poena mandati Episcopalis praecipiens Abbatissae sub poena excommunicationis ipso facto incurrenda [illegible] non debere sine licentia Episcopi [illegible] admittere ~~[illegible]~~ [illegible] aliquam [illegible] ... educationis [illegible] ... sed [illegible] ... comprehendi [illegible] dispositione [illegible] alia poena [illegible] ... unde non potuit mandare [illegible] ... impositio poenae excommunicationis [illegible] ... Episcopus [illegible] ... poena est impositura [illegible] ... quaest. 83. [illegible] ... arbitraria iudicis [illegible] ... et Menoch. de arbitr. iud. [illegible] cent. 4. cas. ~~[illegible]~~ 381 [illegible] ... poena lege ipsa [illegible] ... debere [illegible] ... excommunicatione [illegible] ... debent poena excommunicationis [illegible] ... quaest. 85. [illegible] ... acquiescere debuit poena excommunicationis [illegible] ... quod publicam poenitentiam imponere, quod [illegible] ... quod interdicere [illegible] ... perpetuo [illegible] ... manifeste indicat [illegible] ... ~~[illegible] excommunicationis~~ ... ~~[illegible] Bero in [illegible] post n. [illegible] de rel. [illegible]~~

quibus [illegible] declarari [illegible] debet maledictum [illegible] ... Abbatissa [illegible] ... non [illegible] poenitentia per 40 dies [illegible] ... in carcere [illegible] patientissime [illegible] ... et [illegible] ab Episcopo.

Proprium enim iudicis est clementia in criminalibus; nam licet iustitia [illegible] administranda [illegible] ... misericordiae temperamento l. Respiciendum. ff. de poe. et dicit in c. [illegible] 22. quaest. 2. quod facile culpa [illegible] ... c. Alligant. 26. q. 7. quod melius est [illegible] ... rationem reddere, quam [illegible] ... dicit [illegible] in c. 2. de reg. [illegible] ... benevolentiam [illegible]

[Left margin notes:]

[illegible] quod est maius [illegible] ... Bero in c. [illegible] post n. [illegible] de rel. [illegible]

[illegible] ... quod alibi [illegible] ... patientia

[illegible] ... [illegible]

Pro D. Plebano Nimis. Sed Cappellanus Dosoleti in altero articulos alleg.

Sed Cappellanus Dosoleti sicut in meritis iniustè se gerere, causam ~~cont~~ ~~continget retinendi quod~~ omnibus aliis praetermissis in allegationibus ~~[illegible]~~ ~~missa in processu~~ se restringit ad disputationem super ordine includendi rationibus talibus scilicet quod petitum mandati petitionem spoliari non potest sua quasi possessione decimandi. sed facilis est omnino strictius resolutio regarda p. illam quasi possessionem quia aut eam intelligit de quibusdam campis specificatis in sua ultima scriptura et eam ~~sufficit~~ concludenter non probat ponderationes factas mallis. fundatus in cons. opinione quod sit in stipulationibus non credimus etiam de facto proprio deprenditur: aut eam intellig. de novalibus, et nunc non allegare quidem causam potest, quia quis non potest dici possid. se decimas novalium quas nullus vidit, et ... quibusdam ... nondum in cultura redacta ipse decimas percipiet non tamen sequeretur quod possit pretendere decimas novalium p. c. insignem. cum consequat. de deci. cita. ... s. cap. ... allegatis malles.

Sed in opposito sive non praeiudicis allegata quasi possessione, sed ne dicitur mandatum ad hoc clausulam et non diffinitivam non potest dici sententiam sed resolutio in uno complexi articulis. neque obstat quod quod ... dicit in ... mandatis nullum esse petitionem ... qua sede ... possessionem manifestare posuit, quia non est novum quod in libellis ... includatur petitio, et sic magis ex quodicatum dicendo ... quidem in libellis ... includatur petitio ... et ... ex ... ; proinde clausula ... ds. auctoritate semper intelligitur ... id quod sibi pretendit; ... mandati operatur ut intelligantur ... praecepto partiale suspensio ... l. 50. sed firma alia remanere ... quod Cappellanus Dosoleti nullum ius competere exigendi quartesium villae Salti, et Maspedis quod spectat ad D. Plebanum Nimis, et quod ... in ... quasi possessione ... nisi quibus ... impedit quin sententia ... .

Propterea licet ratione ordinis debeat prius expediri possessorium ... tollit tamen in beneficialibus, et incorporalibus prout nos sumus ~~quia ... ...~~ ~~quod ... incorporalis~~ latè habetur Menoch. de retinen. possess. remed. 3 n. 539. 541. et 542. in iis enim possessorium retinendum cumulatur cum petitorio ... Menoch. ... remed. 3. ... 92. ... 151. ...

Neque negare potest ... quin utrinque fuerit deducta petitione quo casu de voluntate utriusque partis potest procedere cumulatio petitorii et possessorii, quia articuli solam concernerent possessionem ... ~~... tamen ... et ... ...~~ satis fuerit D. Pleban. Nimis articulare quod ipse et antecessores sui, et ... possessione exigendi quod continet in 2.° cap.° sed alterius capitulanie ... cap. ... 2. quod ipse et plebanus Nimis. ... in ... cap. ... quod inter caetera loca habitet ... Pleb. Nimis sub villa Salti, et Maspedis; ... ... concernunt ... petitorio.

Siquidem D. Cappellanus Dosoleti in allegata quasi possessione exigendi ... defensiones ... fuisset articulare deducturus ... cap. ... ...

antecessores suos fuisse exigendi praedictas partes imo villas Salti et Madredi in

sed immo in p[rim]o cap[itu]lo et probatione maiori fundamento deducitur, quod ipse [illegible] antecessores ab immemorabili tempore animarum curam exercendo in villis [illegible], et illis praebendo administrando s[anctissi]ma Sacramenta. hoc enim [illegible] causis, [illegible] ipsum tutelam parochialem, ut hic deducat consequenter pro omnes [illegible] [illegible] non debeant solvere decimas in d. c. [illegible] Dei. in fin.

Propterea minus vere [illegible] defensor d. Cappellani Tondlei dum dicit quod utrique fuit [illegible] exhibita ipsa possessio, quia immo fuit utrique exhibitus etiam titulus ut patet ex lectura [illegible] et [illegible] titulo [illegible] nec tales, unde ad hanc [illegible] omnia deducenda, [illegible] contra [illegible] [illegible] debet ad [illegible] [illegible] circuitus maxime inter sacerdotes curam animarum gerentes quos [illegible] [illegible] ut [illegible] a [illegible] fructibus, et [illegible] [illegible].

Sed supposito [illegible] in [illegible] [illegible] per d. Cappellanum Tondlei, semper [illegible] quod [illegible] de ipsa [illegible] per consequens [illegible] mandati, sed quod de facto fuerit [illegible] d. plebano [illegible] quasi possessione decimandi [illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~

quia omnia iura clamant spoliatum [illegible], et ante omnia esse restituendum [illegible] [illegible] remota [illegible] [illegible] et [illegible]. [illegible] de [illegible] de [illegible] publ. [illegible] de resti. spolia. c. conquerente [illegible] [illegible]. [illegible] in eum casum quod parochus [illegible] [illegible] [illegible] parochiam per longum tempus exegisset decimas [illegible] non procede[illegible] quia non debebat [illegible] ad [illegible] parochi [illegible] ad [illegible] nisi ultra possessionem probaret etiam titulum [illegible] eam [illegible] [illegible]. est valde notabilis in c. ad decimas de resti. [illegible] in [illegible] [illegible]. Proinde etiam [illegible] d. plebanus [illegible] de facto [illegible] [illegible] Tondlei, non potest Cappellanus [illegible] [illegible] possessione, neque ~~[illegible]~~ [illegible] hoc ~~[illegible]~~ neque [illegible] [illegible] quia necesse etiam [illegible] probare de titulo, item neque habet neque in casu de quo [illegible] [illegible] probavit, [illegible] [illegible] possessionem [illegible].

Proinde [illegible] [illegible] [illegible] [illegible] iure optimo potest et debet [illegible] [illegible] [illegible] [illegible] maxime [illegible] inter sacerdotes, declarare nullo iure competere d. Cappellano Tondlei [illegible] decimas [illegible] villa Salti et Madredi [illegible] [illegible] ~~[illegible]~~ ~~[illegible]~~ [illegible] spectare ad d. plebanum [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] neque [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Pro Coe Orédatij ad ... Modi libel. appli.

Contrae, et Dominos Orédatij ... à Sua Mai e Gubernator Modij ... ad favorem ... Modij qua ipsos condemnavit ad solutionem ratis ... in ultima conductione ... Alb. ... cum ... [illegible] ... malitiose ... [illegible] ... [illegible] ... temporis tamen ... [illegible] ... obligationem ... Petro ... Georgij ... [illegible] ... pendente lite non posset fieri ... Orédatij quod ... separari non ... [illegible] ... minus fieri posset ... Modij ... obligationem contrahendi ... Orédatij ... [illegible] ... declarari ... appellant ...

Pro ... de ... [illegible] ... Salamone ... [illegible] ... condemnavit ... [illegible]

Bene quid ... Joannis Salamone ... Paulinia ... injustissima ... [illegible] ... remissa ... [illegible] ... condemnan... [illegible] ... plani illud ... habebat, quo ad ... [illegible] ... solvere £ 200. ... [illegible] ... et propterea ... absolvere ... condemnando ... [illegible] ... appellavit ... declarari ... in hac parte ... per appellationem ... reformari ... Joannes Salamone in omnibus expensis ... condemnari ... de modicis ... sed de magnis ... adversarius ... [illegible] ... malitiose ... illius ... [illegible] ... plani ... [illegible] ... [illegible] ... religionem iudicis ad absolutionem ... Joannes Salamone ... magis impellere debeat ad condemnandum ... ipsum ... [illegible] ... et propterea ... condemnari ... expensis ... et propterea fieri et declarari debet ... petitum in hoc libello appellationis &c.

cum ipsam

Pendente coram hoc tribunali lite inter ... Modij ... in appellatione ... a Sua ... Gubernatoris Modij ... in favorem ... Modij, qua ... Orédatij condemnati ... ad solutionem rati ... in ultima conductione ... Alb. Mosaceo ... Modij ... aliquibus ... [illegible] ... Orédatij ... [illegible] ... proponere debeant ... [illegible] ...

10

Pro Paulo Mil[illegible] de Rendoley w[illegible] [illegible] Jacobi de[illegible].

Pendente coram eodem [illegible] [illegible] [illegible] anno [illegible] [illegible] [illegible] V. [illegible] in [illegible], et Paulo [illegible] de [illegible] [illegible] [illegible] petit [illegible]. De qua nunc [illegible] pretendente [illegible] multas et causas declarans in processu [illegible] [illegible] [illegible] [illegible] partes [illegible] ad [illegible] [illegible] quod [illegible] continuatione in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] debere [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] S. Paulo [illegible], [illegible] de S. [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] debet [illegible]

Pro [illegible] C. Mariis de [illegible] w[illegible] Mag. D. [illegible] [illegible]

Mag.[illegible] D. [illegible] de [illegible] [illegible] [illegible] pretendere se [illegible] in [illegible] [illegible] [illegible] [illegible] conductis ad [illegible] [illegible] [illegible] ordine S. Martini et [illegible], [illegible] partem [illegible]: [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad et [illegible] fundamentis [illegible] [illegible] [illegible] quod nunc [illegible] parte et [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] debet [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible] [illegible] C. Mariis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] C. Mariis [illegible] de [illegible] in processu [illegible]

[illegible] [illegible]

che sempre li signori di Rianti habbino sempre che non me ... 6

di contrario lirama loco, et fece habitare le case del sedime con certo legato che loro habbino lirama del bianco contiguiamo a ... andare con li seguenti di dettobre i mesi di ... della ... di ... e i ... con la ...

E della villa di Mariano ... che credo ... de ... della Tavern

che oggi di ... la Chiesa di Mariano ... un legato quale antiquissimamente è stato tenuto dalli signori ... da Domenico di ... signori ... presente dalli ... signori, et ... appresso ... che ... esso Domenico

Pro D. Aurelia ... ad ... Magnopere ... D. Aurelia ... per ... Ex.mi D. Abbatis ...
declarari quod in extimatione ... debeat imputari etiam augmentum ... non ... in condotio D. Aureliae [ipsius] ad D. Venerio [nedum] non debere ... illius in condotio. ... quod ... D. Venerio ... illius ... loco, ... esse ... ad beneficium illius ... ad ... quia ... debet ab aliis probari immixtio ... respon. ... ipsa ... cum ... non ... fuerit immixtio ... quod ... [illegible] ponderare ...
... succedit quod ... ratio ... incertitudinis ... per D. ... tenerentur ... in ... et ... non ... di ... D. Venerio ... non ... et ... ad ... argumentum ... ad ... D. Venerio.
... tamen ... in casu de quo agimus ... ad ... D. Aureliae ... Ex.mi D. Abbatis ... pretii ... quod ... pro ... D. Abbatis ... rationem ... tempore ... pro ... [etiam] ... di ... D. Venerio ... D. ... compensationem ... causa ...
... reformari ... in ... parte ... augmentum ...
... D. Venerio ... pro ... D. Venerio

Sentenza criminale — questa è una sentenza criminale condannatoria data contro gli imputati in nome del M. A. Pramper giudice delegato dell'Ill.mo et R.mo Patriarcha d'Aquileia

che dice

Noi Marc'Antonio Pramper dottore et giudice delegato dell'Ill.mo et R.mo Sig. Patriarcha d'Aquileggia [illegible] volendo venir all'espeditione di Benedetto del Moro di [illegible] [illegible] d'[illegible], et [illegible] e [illegible] famigli della [illegible] [illegible] contra i quali è stato formato processo [illegible] di [illegible] [illegible] [illegible] ~~[illegible] di quelli et quelli~~ à querela del q. [illegible] Sig. Marc'Antonio Romano [illegible] [illegible] [illegible] et quello che il [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] del Moro di [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Atti civili — per parte di Leonardo à Turre contra [illegible]

In causa ~~[illegible]~~ Leonardi à Turre de Talmasson [illegible] Leonardi [illegible] à [illegible] [illegible] [illegible] mihi [illegible] [illegible] [illegible] Judicem [illegible] Ill.mi [illegible] [illegible] delegati [illegible] articulis ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Leonardi à Turre [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible] [illegible] [illegible]~~ Leonardo [illegible] ~~[illegible]~~ [illegible]

[illegible] [illegible] invece [illegible] [illegible] M. A. [illegible] Pramper [illegible] [illegible] delegato [illegible]

Remitti [illegible] processus causa [illegible] [illegible] [illegible] Leonardi à Turre de Talmasson et Leonardi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] delegato [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] Novemb. [illegible]

MVS

[illegible] [illegible]

Per il Santis

Pretende il S. Lod.co Ocalli che l'instromento del 1577 celebrato p mano del Venerio nel quale già [illegible] di alli Nicolò Santis [illegible] p S. Giò Antonio [illegible] padre p S. [illegible] e le tre [illegible] di dote e correndone materna di cento [illegible] le scritture del S. Gioantonio, [illegible] d. 10. [illegible] di [illegible] anni et p [illegible] della dote p la summa di d. [illegible] promette di pagare [illegible] all'anno fino al [illegible] che quando [illegible] altro non ne può succedere se non che l'instromento [illegible] nullo come se fatto non fusse: annullato questo instromento [illegible] l'instromento [illegible] detti per virtù del quale il S. Lod.co viene ad esser debitore di d. 200. à detti [illegible] di [illegible] anni et. in ragione di d. 10. all'anno. à conto di questi non ne [illegible] che il S. Lod.co possa pretendere che altro [illegible] che il [illegible] del 77. che fu celebrato l'istro p mano del Venerio fino al 93. per ragione [illegible] che in tutto importa [illegible] 47. [illegible] pretendere [illegible] le scritture ad arbitrio [illegible] del S. Nicolò [illegible] onde [illegible] calculare [illegible] la valuta delle scritture [illegible] alla summa di d. 200. [illegible] S. Lod.co [illegible] ch'io [illegible]. Et se bene il S. Lod.co pretendendo che il S. Nicolò [illegible] p alcuni anni dell'intrata [illegible] del S. Cornelio, all'incontro il S. Nicolò pretenderia [illegible] delle spese fatte ad esso S. Cornelio. [illegible] molte altre [illegible] d'una parte et dall'altra [illegible] nel processo compromissario [illegible] onde [illegible] silentio ad una parte et all'altra [illegible] s'intendesse [illegible] compensatione, o [illegible] detto processo compromissario [illegible] le altre pretensioni [illegible] e dependenti dal [illegible] di patti [illegible], et dal [illegible] celebrato p mano del Venerio, et [illegible] à decidere [illegible] che [illegible] fra le parti. [illegible] più facile, ne più ragionevole non mi [illegible] p [illegible] differentie che sono fra le parti.

L'[illegible] fabricato con molte arti [illegible]

[illegible] del [illegible] 77

[illegible] la [illegible] delle [illegible] d'[illegible] [illegible] 93 [illegible] [illegible] il carico [illegible] S. Gioan [illegible] [illegible] 8. [illegible] 63. [illegible] 63.

Pro D. Vincentio [illegible] de Pulisis

D. Vincentius [illegible] Pasqualini [illegible] de Pulisis [illegible], et [illegible] in [illegible] instrumenti manu D. Hier. [illegible] Zoppola [illegible] die [illegible] mensis [illegible] 156[illegible] [illegible] D. Magdalena [illegible] D. [illegible] de [illegible] [illegible] habeat [illegible] [illegible] [illegible] Zoppola, [illegible] ad effectum [illegible] de Zoppola [illegible] D. Magdalena [illegible] Francisci [illegible] D. [illegible] de Pulisis [illegible] quinquennij [illegible] tenorem [illegible] instrumenti [illegible] [illegible] instrumento quod [illegible] posset effectum, [illegible] [illegible] [illegible] pro [illegible] [illegible]

[illegible] in Roma [illegible] de la Mirandola [illegible] [illegible] [illegible] della Mirandola [illegible] all'[illegible] che [illegible] alla casa [illegible] alla Mirandola, [illegible] relassato dalle carceri [illegible] [illegible] quello che io [illegible] creditore [illegible] la liquidatione [illegible] di scudi [illegible] [illegible] 2060 [illegible] L. 100—

[illegible] alla camera [illegible] come [illegible] [illegible] [illegible] [illegible] [illegible], altrimente [illegible] l'[illegible] poiche [illegible] anni [illegible] in lite, et [illegible] anni [illegible] [illegible] [illegible] effettualmente [illegible] [illegible] che innocente [illegible] [illegible] et pagare, [illegible] in camera: et [illegible] dell'[illegible] dall'Ill.mi [illegible]

Scrittura [illegible] della Patria in materia delle biave

La Patria [illegible] [illegible] [illegible], [illegible] li proclami [illegible] nella materia delle biave

Per li suoi proclami

Per la [illegible] delle biave

et molto più [illegible] di [illegible] in [illegible] [illegible]

Per li proclami [illegible] che non si possano [illegible] senza espressa licentia di S. [illegible] [illegible] non havendo [illegible] questi proclami altro che l'abbondanza di questa città, et non [illegible] alla [illegible] altro [illegible] et non [illegible] [illegible] altro [illegible] [illegible] [illegible] delle biave [illegible] della [illegible] [illegible] carestia che [illegible] questi [illegible] [illegible] [illegible] [illegible]

Udene con spesa per havere la licenza la quale molte volte si nega, molte volte si lascia ... non conforme al bisogno ... [illegible] si può havere, ~~onde~~ compiacendosi gl'Ill.mi Cittadini di voler ~~[illegible]~~ haverne ... di casa [illegible] principali, onde i granari della ... Montagna ... [illegible] negotianti di grani ... della città di Venetia, ... in ... [illegible] provisione della biava ... [illegible] bisogno ne valesse di uno che ... [illegible] comprare ... [illegible] ... [illegible] magri ... necessità ... per un ... [illegible] ... Romania ... [illegible] ...

[illegible] un altro ... [illegible] ... generale di ... [illegible] ... presente ... [illegible] ... Patria ... [illegible] ... di Udene nelle terre ... a domandar la licenza ... [illegible] ... magri, ... [illegible] la quale ... [illegible] ... [illegible] ... ; [illegible] ... [illegible] di quello che havevano ... [illegible] di poco frutto.

Perche quelli ... andati quest'anno attorno per la descrittione ~~[illegible]~~ ... delli formenti ... Romania ... di condurli per pagare gl'affitti ... delle ... prohibendosi ... altro ordine ... [illegible] quel formento, onde gl'affitti ... non ... pagati

L'ordine è poi comparso in ... [illegible] ... [illegible] ... del mese di Novembre ... tutti a condurli che debbano condurre il formento di Udene il formento d'affitto che ... pagano alli patroni i quali ... [illegible] mandati ... ~~[illegible] alla porta dell ...~~ . ... i quali mandati ... [illegible] ... patrone di ... affitti ... [illegible] ... del tempo del vendere, del prezzo, et della qualità ... [illegible] ... nostra ... bisogno nel vendere, nel ... [illegible] ... dalla ... volontà, et sempre ... a Udene ...

[illegible] ... il prezzo ... [illegible] ... [illegible] ... vende ... [illegible] ... [illegible] ... onde calculare ~~il [illegible]~~ la ... nel prezzo, nella crivellatura, nelle condutture, ... ng. [illegible] di ... prima di venir a Udene ... ~~[illegible]~~ ... a condurre ... la strada compresa ... mandati ... [illegible] ... ~~[illegible]~~ ... alla porta ... il formento ... la licenza ... il formento ... [illegible] ... mani ... più facilmente comprendere ... danno è ... [illegible] ...

[In left margin: ... quello ... [illegible] ... il prezzo ... [illegible] ... [illegible] ... pagare gli affitti ... [illegible] ... di Udene ... ~~[illegible]~~]

[illegible] ... il paragone di quelli ... [illegible] ... perche ~~[illegible]~~ vedendo i Contadini ... [illegible] ~~[illegible]~~ ... affitti ... [illegible] ... il formento ... ~~[illegible]~~ ... [illegible] ... non pagaremo gli affitti ... [illegible] ...

P. altro sendo [illegible] gl'effetti di quali veramente d'esser depositari i contadini, et come avemo il [illegible] et avrà le [illegible] pena [illegible].

Per [illegible] difficile [illegible] a' pagare, [illegible] di [illegible] [illegible] il [illegible] aggiunta [illegible] saranno [illegible] [illegible] sempre.

Si domanda [illegible] che cosa [illegible] di questi [illegible] altro [illegible] della [illegible] [illegible] [illegible] [illegible] [illegible] ragioni che si sentono [illegible] [illegible] [illegible] [illegible]

Pro Georgio Carreo de P. Laurentio

così

[illegible]

[illegible] !

[illegible] ex vulnere [illegible] [illegible]

Georgius Carreus de [illegible] [illegible] in casu manifesto, [illegible] absolutionis in [illegible] ordinaria [illegible] [illegible] [illegible] [illegible] Matthiae [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] mors [illegible] [illegible]. Nam [illegible] P. Matthiam fuisse [illegible] vulnere in brachio [illegible] ad [illegible] carnis, [illegible] vulneratus [illegible] demum [illegible] de mense Febr. [illegible] mortuus, ut [illegible] [illegible] [illegible] [illegible] Matthiae [illegible] et [illegible] quattuor menses [illegible] [illegible] post longum tempus [illegible] [illegible] decessit [illegible] quod ex vulnere non [illegible] [illegible] longum tempus mortuus Menoch. de arbitr. iud. lib. 2. cent. 3. n. 8. cas. 275. et longum tempus [illegible] etiam quod non apparet de aliqua [illegible] [illegible] in L. [illegible] [illegible] [illegible] ad L. Aquil. et [illegible] in L. i. C. de emenda. [illegible] quod [illegible] et [illegible] [illegible] medicorum sententia [illegible] quis mortuus ex vulnere.

[illegible] accedit quod Matthias post [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad defensam [illegible] [illegible] vulneratus [illegible] non [illegible] [illegible] [illegible] praesumptio est quod ex vulnere non decessit. Menoch. [illegible]

Quinimmo manifeste [illegible] quod Matthias post [illegible] [illegible] ambulavit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible] 2. 4. 5. 7. 8. 9. nam [illegible] vulneratus ambulavit [illegible] [illegible] [illegible] praesumptio quod ex vulnere non decessit [illegible] [illegible] 194. [illegible] et Blanc. in [illegible] [illegible] cap. [illegible] [illegible] n. [illegible] confirmat [illegible] [illegible] vulneris [illegible] ad mortem [illegible] in brachio [illegible] [illegible] 283 quem sequitur Blanc. [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] carnis [illegible] [illegible] [illegible] in brachio [illegible] [illegible] [illegible] [illegible] Matthias in pluribus [illegible] [illegible] [illegible] dicendum est ex [illegible] praesumptionis [illegible] quod non [illegible] mortuus ex vulnere [illegible] Georgius est absolvendus a poena [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] medico [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Dominus agitur ... debit ad mortem inferendam non ... debere esse hac medicina ... ut dixi Rut.

Sed tamen ... de indubitato quia non constat de corpore delicti nempe de morte Mathie viri, denunciatum ... petiit fl. 7. ... necnon ... fuerit receptus absque ... neque per ... neque ... mortem ... neque ... rel. misso ... ad inspiciendum ... de ... ex ... ad ... quest. 4. ... de debito ... et consequenter ... non potuit procedi ... appareret ... quia ... condemnari nisi de ipso delicto ... appareret ... quest. 4

... non procedit etiam ... vulnus ... delicti neque potuit ulterius procedi. l. Sanctimus. ff. de poen. l. ex facto. l. ... ff. de ... certe nemo non dicit quod ... annos ... propter huiusmodi vulnus ... deponi

... magister ... sed ... propter reprehensionem ... fuerit ... et ... in ... et ... propter ... Mathie ... nunc post ... sufficientia esse debere ad ... parieridam ... inde ...

Coram Illus. Mro. et Rmo. D. Epo Ceneten

Appellatio a beneficio ... minus idonei

Licet ex forma Sacrorum Canonum Concilij Tridentini, Constitutionum Summorum Pontificum ac praesertim fel. rec. Pij V. cautum sit ut in conferendis parochialibus Ecclesijs ... idonei ... ab examinatoribus Sinodalibus in ... electio ... debeat, nihilominus ... in concursu parochialis Ecclesiae ... ...

...

Trans l. ... nisi ... nimia ... n.º 3

... medico ... ipsius ... eius ... decreti ...

Ubi ... Metropolitano ... appellare ad ... Apostolicam ... Bulla c. 35.

Ex [illegible] S. Marci w ter: Posnaniensi. Scriptu. — In libro introytus Curiae S. Marci contigua [illegible] Cameram [illegible]

Hieronimo [illegible] [illegible] annis 1597, 98, et 99 [illegible]

ter: D. Michael Posnaniensis quod [illegible] 96 ad partitam [illegible] [illegible], unde

[illegible] conditionem [illegible] fuit pro [illegible] majore Privilegii [illegible]

[illegible] in [illegible] quemlibet [illegible] [illegible]

[illegible] ter: Posnaniensis [illegible] [illegible] [illegible] [illegible]

[illegible], et [illegible] se [illegible] fuit [illegible] [illegible]

[illegible] declarationem quod [illegible] Curia S. Marci [illegible] in [illegible]

[illegible] partitam [illegible] ab ter: Posnaniensi 16 [illegible] appellatione. [illegible], [illegible]

[illegible] fuit [illegible], et ab ipso ter: Posnaniensi [illegible] [illegible]

[illegible] ipsi ter: Posnaniensi [illegible] quod [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] quod [illegible] 96 [illegible] ad partitam [illegible] [illegible] [illegible]

[illegible] quidem [illegible] ad [illegible] [illegible] partitam [illegible], nihilominus

[illegible], unde [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] ter: Posnaniensi; [illegible] [illegible] Posnaniensi [illegible]

[illegible] [illegible] confirmatione, et relaxatione [illegible] [illegible]. ab hac [illegible] appell.

[illegible] ter: Posnaniensi [illegible] [illegible] [illegible] [illegible] appellationis

[illegible] 4 mensium [illegible]. [illegible] ter: Posnaniensis [illegible] [illegible] [illegible]

[illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] solvere

[illegible] [illegible]. [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] L 186. [illegible] ad partitam [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible], [illegible] nunc [illegible] ter: Posnaniensi [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] eadem [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] fuit [illegible], [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible]

De [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] ad partitam [illegible], [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] ad [illegible] [illegible] ad partitam [illegible] [illegible] [illegible]

[illegible]. Inde [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ter: Posnaniensi,

[illegible] [illegible] [illegible] confirmatione, et relaxatione [illegible] [illegible], [illegible]

ab [illegible] appellavit ter: Posnaniensis, [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] 4 mensium [illegible]. [illegible] ter: Posnaniensis [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

niam quae erat coram hoc cod. Tribunali [illegible] praefato [illegible] cognoscere ut relinquere
pecuniam quam in [illegible] [illegible] debere [illegible] [illegible] [illegible] in [illegible] [illegible]
Martii prox. praeteriti, ut facta narratione quod [illegible] [illegible] et quod [illegible] in possessorio
non [illegible] [illegible] in petitorio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et condemnari ad retinendum [illegible] 180 [illegible] ad partitam [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] de quo [illegible] [illegible] [illegible] [illegible]
nulli dubium est quod ipsi [illegible] [illegible]. quia nemo [illegible] [illegible] vel [illegible] [illegible]
[illegible] : : [illegible] [illegible] non [illegible] [illegible] [illegible] quod [illegible]
[illegible] in possessorio non [illegible] [illegible] petitorio, quia [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et definitiva [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible] [illegible] quod non [illegible] [illegible] [illegible] in
petitorio sed retinuit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] conservatione, et [illegible] quod
[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible], et definitive [illegible] [illegible] [illegible]
[illegible] [illegible] quia [illegible] [illegible] [illegible] sub die 7. Martii 1790 [illegible] 14. [illegible]
[illegible] quod [illegible] [illegible] [illegible] [illegible] Martii [illegible] in petitione [illegible] [illegible] [illegible]
186 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], et ab [illegible] [illegible] [illegible] [illegible] quod in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] coram [illegible]
[illegible]. [illegible] [illegible] nulli dubium est quod potuit introducere [illegible] ea quae [illegible]
Petitorii [illegible] [illegible] [illegible] [illegible] 23 produxit 7. positiones [illegible]
quod [illegible] 186 [illegible] ad partitam [illegible] esse [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] partitam [illegible]
[illegible] [illegible] [illegible] [illegible], unde [illegible] cecidit. nunc vero [illegible] [illegible]
~~[illegible] [illegible] [illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] condemnari
ad retinendum [illegible], quia [illegible] [illegible] [illegible] non [illegible] ad partitam [illegible]
sed ad partitam [illegible] [illegible] quod facere non [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible].

Et [illegible] [illegible] quia sententia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in alio [illegible], [illegible]
ipse [illegible] ~~[illegible] [illegible]~~ [illegible] [illegible] [illegible] petitione allegat in petitione ~~[illegible]~~ [illegible] tamen quia
non [illegible] ~~[illegible]~~ [illegible] sententia [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible].

[illegible] [illegible] etiam quia [illegible] [illegible] [illegible] [illegible] [illegible] quando [illegible]
[illegible] [illegible] modo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
Mag. [illegible] fiscalem quod [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible]
[illegible]; non [illegible] [illegible] [illegible] [illegible] temporale [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible].

~~[illegible]~~ [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad
[illegible] [illegible] fundamento carentia [illegible] [illegible]. [illegible] [illegible] [illegible]
appellationis [illegible].

[Margin note:] [illegible] quia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad partitam [illegible] sed ad partitam [illegible] [illegible]

S. Michele Micotio [illegible]

Se è lecito all'huomo [illegible] come dispongono le leggi, et insegna la natura medesima di difendersi non solo per difesa della sua vita, et dell'honore, ma anco della robba [illegible] [illegible] S. Michele [illegible] la [illegible] [illegible] [illegible] [illegible] mentre con parole alterate [illegible] Barbara moglie di S. [illegible] [illegible] di propria auttorità [illegible] nel campo di [illegible] S. Michele et [illegible] [illegible] lavorare, et [illegible] [illegible] [illegible] delli Domi. [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] capitoli [illegible] [illegible] [illegible]

[illegible] [illegible] nanzi [illegible]

1 Che il campo [illegible] nel quale [illegible] [illegible] Barbara [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] il producente.

2 Che dall'in poi il producente è [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] come [illegible]

3 Che se bene [illegible] Barbara ottenne [illegible] dal [illegible] [illegible] di [illegible] in [illegible] del campo, la sentenza però fu appellata da S. Michele all' [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

4 Che [illegible] Barbara è donna [illegible] [illegible] [illegible] [illegible] [illegible] con parolle ingiuriose [illegible] il proprio marito.

5 Che [illegible] S. Michele [illegible] [illegible] moglie [illegible] [illegible] [illegible] [illegible] [illegible] parolle [illegible] alcuna [illegible] [illegible] [illegible]

[illegible]

[illegible] [illegible] [illegible]

Visis et deductis [illegible] [illegible] [illegible] contra [illegible] contradictionem Pauli [illegible], et [illegible], [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], quia [illegible] [illegible] [illegible] [illegible] debere [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad ipsum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible], [illegible] [illegible] quia [illegible] fuit [illegible] Paulo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod ipse [illegible] [illegible], at [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] ad sententiam, quia nulla in eo [illegible] [illegible] [illegible] et quod [illegible] [illegible] nec [illegible] debemus, neque ratio allegata ullatenus [illegible], [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] quod etiam [illegible] [illegible],

et sententia. Ne Dictamus omnibus aliis vindemiare volens; etiam praeferendus [illegible] antiquissimus [illegible], [illegible] [illegible]. et [illegible] [illegible] officiis ... quod ille [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] Paulus [illegible] sibi officii [illegible] [illegible] [illegible] quod ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] et quod Cameraq. [illegible] [illegible] sibi competunt [illegible] [illegible] [illegible] [illegible] [illegible] confirmari contradictionem [illegible] [illegible] [illegible]

Pro R. Presbitero Joseph Guerino, contra R. presbiterum Georgio de Capite Bolei

Scritt[illegible]

Temere, et sine ulla rationabili causa appellavit R. presbiter Georgius de Capite Bolei ab electione Ill.mi et R.mi Epi [illegible] facta de persona R. presbiteri Josephi Guerini ad parochialem ecclesiam nuncupatam secunda porta [illegible] in ecclesia Cathedrali [illegible], cum enim uterq. quo ad doctrinam [illegible] fuerit idoneus a RR. DD. Examinatoribus Synodalibus ut patet ex [illegible] publicis, caeterum quo ad mores [illegible], et alia [illegible] ad gubernandam ecclesiam pendere a Iudicio Ordinarij, qui non aduersum elegit ac sibi [illegible] sed [illegible] in [illegible] beneficio ac [illegible] in Cathedrali [illegible] ubi a ~~[illegible]~~ omnibus [illegible] laudibiles [illegible] [illegible] ac contendere ~~[illegible]~~ [illegible] quod [illegible] ad [illegible] clericali [illegible], ~~[illegible]~~ in aliis [illegible] ~~[illegible] [illegible] [illegible] [illegible]~~, [illegible] ut Ill.mus et R.mus [illegible] non [illegible] aut aliud humane passionis effectu, ~~[illegible]~~ [illegible] [illegible] causa appellationi, [illegible] [illegible] fuerit [illegible] R. presbiterum Joseph [illegible] [illegible] omnino aequum esse debebat [illegible] R. presbiter Georgius ~~[illegible] [illegible] [illegible]~~, at [illegible] ~~[illegible] [illegible] [illegible] [illegible]~~ memor quod sacerdos ad hoc munera de [illegible] esse [illegible], qui [illegible] [illegible] [illegible] ac eligere [illegible] [illegible] [illegible] [illegible] [illegible] videatur legitimus [illegible] pro R. D. Joseph [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] parochialis, ac [illegible] [illegible] [illegible] petit confirmari electionem [illegible] et omnibus [illegible] [illegible]

Pro R. [illegible] contra Julio Belhardis

[illegible] asserit sequestro, et [illegible] [illegible] [illegible] [illegible], [illegible] et sequestro [illegible] [illegible] [illegible] [illegible], [illegible] Capellanus [illegible] Ill.mi D. [illegible] [illegible], et [illegible] [illegible] [illegible] et [illegible] [illegible] R. [illegible] [illegible] ~~[illegible]~~ [illegible] decisione [illegible] Senatus, [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] R. [illegible] aliud non [illegible] quam [illegible] [illegible] indemnitati [illegible] ~~[illegible]~~ [illegible] sequestrandi [illegible] [illegible] [illegible] quod ex parte ipsius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et quod [illegible] [illegible] [illegible] iure sequestrandi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] a iustitia [illegible] et [illegible] ~~[illegible] [illegible] [illegible]~~ [illegible], ~~[illegible]~~ [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] et declarari [illegible] [illegible] [illegible] [illegible] de [illegible] ~~[illegible]~~ et [illegible] [illegible]

Gon[illegible] Gon[illegible]

Pro D. Catherina a Beatis veneta cum Jacobo, et fratribus Monticulis de Lafartia

Alleg.

Duo in urgent dubia ex processu formato inter D. Catherinam a Beatis venetam, et Jacobum et fratres Monticulis de Lafartia et utrumque resoluendum est favorem d.ae D. Catherinae. Primum scilicet quenti(?) ipsam fieri pro affictu et confirmando non obstante deposito sed. facto in officio Sed.

Et utrum remouenda sit Monticulis heres durante locatione et renouenda.

Quo ad primum praemittendum est quod de anno 1596. 16 Octob. D. Catherina iure emphiteutico [illegible] ad nouennium locauit Jacobo et fratribus Monticulis sedimen cum terris in Lafartia pro £. 40. soluendis quolibet anno ad festum S.ti Martini in alma ciuitate veneta quam(?) ...

et ulterius cum onere soluendi singulis annis R. Abbatis [illegible] £. 14 ... [illegible]

et quadriennio £. ... reducendis [illegible] £. 40. uel pro credito d. D. locatricis propter [illegible] ad usum [illegible] venditus.

pacto adiecto quod si contrauenerint ... ad soluendas ultra ratas et conspirans et in locatione expressas, quod D. Locatrix teneatur ... refficere, et reintegrare. ut ... est legere in locatione fol. 13.

Monticuli more rusticorum huius prouinciae quibus nihil dulcius uidetur quam ... nihil ... quam in foro ... uersari unde et ... et munere laborandi terras, affictus non soluerunt R. Abbatis unde factum est ut ipse de anno 1599 sequestrauerit terras D. Catherinae ... [illegible] ... propterea [illegible] R. Abbatis, ... coram ... condemnari ... pro anno 1598, et 1599 ... pro anno 1598 ...

... sub die 18. ... D. Catherinam, uel ... Gubernatorem ... ut fol. 94.

Et insuper ... et sententiis de qua supra contradicit ... D. Catherinam

2 ... anni 1600. et ... anni 1599, pluraque ... fol. 70 ... D. Gambellini, unde ... D. Catherinae pro affictu ... 1600: et ... nam ... locatione patet ipsam esse creditricem: ...

Incidentes(?) ... [marginal note]

Tum ... [illegible] ... D. Catherina ... [illegible] ... non debet, et tanto magis quia

depositi ... [illegible] ... in praeiudicium D. Catherinae non esse illud elevare, unde perinde est quod ... quod ... non solum modo sententia, de qua mentio ... per D. Fiscali ... ex forma locationis non tenetur indemnem servare Monticulum, et eum relevare a molestia R. Abbatiae ... ipsa non sequestravit eo quia praetenderet maiorem affictum quam specificatum in locatione sed quia illam non pagavit, tamen hoc ... regula ... D. Monticulo ... fol. 13 et fol. ... non apparet quod ipse steterit ~~...~~ 1599 R. Abbatiae affictum anni 1599 de qua ... enim reperitur quod de anno 1596 ... 53 ... ultra affictum ... de anno 1600 affictum anni, et affictum ... tamen ... quia praemadmodum ... D. ... Monticulus ... anni 1598 ... de solutione ... quam ipse asserit ... ad affictum anni 1599 ... rationem ... non solum ... unde ... illam sententiam ... D. Catherinae ... nulla fuisse denunciata molestia, necesse fuisset docere in processu ... singulis annis solvisse affictum R. Abbatiae specificatum in locatione ... D. Catherina ... non solum Abbatia sequestrasse colligi ... D. locatricem, Non solum modo litera D. Catherinae ... Monticulo occasione ... quae supra fol. ... quia litera illa nihil ... D. Catherina tunc non viderat ... neque erat instructa ... et propterea ... D. litera ... non etiam ... productus fol. ... per quod ... quod de anno 1600 13 Maij D. ... literis pro D. Catherina ... relevare Baptistam ... et Leonardum ... de ... molestia ... R. Abbatiae ... sequestratis ... D. Catherina ... non ... quia ... non facit mentionem ~~neque de ...~~ de Jacobo Monticulo, ... neque ... pro ... Abbatia sequestravit ... ad rem facit ... non relevat ... praesenti ... D. Catherinae fol. ... quia ... fundamentum ... per D. Catherinam ... fol. 30. ~~...~~ ... relevat etiam relatio ... productionis ... D. Catherinae ... legi, quia ~~...~~ quod ~~...~~ de illius mandato fuisset ... illa non potest referri ad sententiam de qua ... contradictio ... die 6. Julij 1600. ut fol. ... Sententia vero est diei 4. April. 1601. ut fol. ... relatio fol. ... de anno 1600. ... intimationis ... ad instantiam ... Jacobo Monticulo quod deberet ... ad ... sequestratos ... non interesse ... in ... sed ... ad illud sequestrum se referentem ...

Proinde ... ~~...~~ D. Catherina ... ~~...~~ relevandi Monticulum ... ultra ratam affictus ~~...~~ ... necesse ... de solutione quod non fecerit ... contra ... per sententiam ... unde non potuit ullo modo ... affictus ... D. Catherinae de ... consequenter ... est ...

...

Soluto dubio respiciente executionem, remanet aliud dubium respiciens remanentiam [illegible] nomen [illegible] dubij merebatur, nam cum [illegible] fuerit factum de anno 1596 [illegible] ubi ex patet [illegible] 17. [illegible] [illegible] [illegible] [illegible] remanere [illegible] [illegible] [illegible] [illegible] Caterina, [illegible] [illegible] [illegible] [illegible] [illegible] fuit [illegible] conditione [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] constitutionis [illegible], [illegible] Mortici [illegible] [illegible] [illegible] D. Catherina [illegible] sub die 14 [illegible] [illegible] [illegible] fuit, nam [illegible] [illegible] [illegible] [illegible] pendente in Villa Castri [illegible], et [illegible] appellationis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. Abbatis [illegible]; [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] D. Caterina [illegible] [illegible] non [illegible] [illegible] [illegible] anni 1600. [illegible] [illegible] anni 1601 [illegible] [illegible] [illegible] [illegible] [illegible] Martini. licet [illegible] [illegible] nulla [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] firmari debet executio D. Caterinae [illegible] anni 1600 [illegible] [illegible] [illegible], et renovari remanentia [illegible] [illegible] [illegible] [illegible] [illegible] firmam ultimi [illegible] 19. [illegible] [illegible] 30. [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] incommoditas

[illegible] D. [illegible] [illegible]

Licet de iure communi, et secundum praticam universalem quae in [illegible] invaluit capitula indistincte admittantur cum reservatione impertinentium et non admittendorum tempore diffinitivae, quia istud est minus praeiudiciale partibus et causas citius expediuntur. licet etiam capitula parte D. [illegible] [illegible] Andreae [illegible] [illegible] valde pertinentia [illegible] concernant [illegible] [illegible] [illegible] et rationabilem causam petendi [illegible] separationem, nihilominus D.V. [illegible] [illegible] [illegible] fuit reijcere capitula parte D. [illegible] producta, [illegible] eadem D. [illegible] [illegible] separationem ex causis praedictis, et [illegible] etiam [illegible] continent [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] reiectione et declaratione [illegible], et [illegible] appellationem recepit, et [illegible] [illegible] [illegible] reverentiales [illegible], [illegible] non [illegible] semel, [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] pendente [illegible] [illegible] [illegible] de innovatis, [illegible], [illegible] revocatione [illegible] [illegible]

marito

Pro R. Plebano Cormoni co R. Vicario Medeae

Resp. in materia Novalium

Temere et sine ullo penitus rationabili fundamento videtur R. V. Medeae se movere exigere decimas Novalium etiam in ea [illegible] parte quod spectat ad quartesium majorem debitum et spectantem ad R. Plebanum Cormoni. Nam in [illegible] non [illegible] quin Ecclesia Medeae et [illegible] plebanatum Cormoni [illegible] ... omnes et [illegible] R. Plebani [illegible] cap. fol. 28. 30. 31. 32. 34. concordes etiam [illegible] R. Vicarii Medeae fol. 21. [illegible] ... [illegible] libello appellationis fol. 22. [illegible] ... Plebanatus, unde [illegible] Ecclesiam novam aedificatam non debet antiqua [illegible] decimis [illegible] c. [illegible] c. quoniam. 16. q. 1. cum satis sit quod appellet habeant decimas personales, et alia intra parochiale ... 4. cap.

Sed dato sine [illegible] ... quod Ecclesia Medeae [illegible] ... aedificata ... [illegible] ... ad audientiam de [illegible] ... et parochiae et antiquam, ac certum [illegible] antiqua [illegible] ... limites [illegible] omnino est quod ... R. V. Medeae ... decimae 16. q. 1. 8. ... et pen. quod [illegible] territorium Medeae et [illegible] ... R. Plebani fol. 36. dum dicit che tutto [illegible] ... Dalla strada che vada Medea à [illegible] et dalla strada che va da Medea alla [illegible] ... [illegible] ... fol. 20. et. qui [illegible] eosdem confines, [illegible] quod [illegible] Medeae quod [illegible] Plebanum appellavit quartesium majorem [illegible] ... fol. 23. et. [illegible] quod quartesium [illegible] spectat ad R. V. Medeae majorem vero ad plebanum Cormoni. Hoc etiam [illegible] demonstrat, namque ratione Plebanatus [illegible] ... quartesium majorem etiam [illegible] confessione [illegible] decimas ex [illegible] ... exigere debet [illegible] novalia [illegible] quoniam appellatione decimarum [illegible] novalia continentur c. ex parte il 2o. ubi Abb. de decim. Menoch. cons. 26. nu. 31. et 32 vol. 1. et [illegible] paratione [illegible] contrario modo arguere licet quod [illegible] ratione in ea territorii parte [illegible] non exigit decimas aliorum agrorum [illegible] exigere etiam novalium [illegible] eadem ratio. d. c. ex parte. et R. V. Medeae fundaret [illegible] ... intra suam parochiam, et consequenter ad [illegible] c. quoniam. etc. et continebat de decim. necesse est quod hoc eodem iure pretendere [illegible] et alias decimas quod tamen non facit [illegible] non haberet ratio [illegible] ... limites [illegible] quod [illegible] ... Non obstat [illegible] quod ex consuetudine, seu praescriptione possint deberi decimas illi Ecclesiae quae [illegible] ... c. cum contingat. etc. cum [illegible] de decim. quia illa praescriptio non [illegible] probatur immemorabilis [illegible] c. [illegible] 1. de praescrip. in 6. Abb. in d. c. cum in [illegible] de decim. Covarr. Var. resol. lib. 1. cap. 17. nu. 7. et 8. [illegible] ... hoc deponunt, nempe [illegible] fol. 23 [illegible] qui dicit [illegible] ... fol. 24. [illegible] de praesenti [illegible] et probatione ...

Non obstat quod ex consuetudine seu praescriptione possit deberi illi Ecclesiae [illegible] ... [illegible] de decim.

non probatur immemorabilis ... esse ... possidit ... et ... tempore ...
in ... memoria debere de ... quod viderint ... tempore ... et quod ...
in ... maioribus suis N. ... quod ... eum possidisse, et quod ...
... est quod ipse semper possedit et quod numquam ... viderit nec
audiverunt contrarium ... in ... de Deci. ...

X sacramenta ... debet ... fides ... non ... Baptismo ... probatio ...
... in ... probationem ...
... quarta ...
... in ... ad ... quod ... de facto ... quod ... in ...
... ...

Probatio non relevat ... prescriptio ...
... de ...
... de Deci. ... et ratio est quia ...
... ...
... ...
... possessione prescriptio non procedit ...

Transelenes ... ... de Deci. ...
... Posses ...
...
...
...
...

... ...
... declaratione quod ...
...
...
...

Pro ... Pangalis ... de anno 1596 · 4. ... Ioannes Baptista ... per biennium ...
... Concordien... ... 270. ...
... ...
... Nicolaus Pangales ...
...
... quello che ...
... delle strade ...
...
...
...
il parere del Proto che sarà mandato da Venetia, ...
esse strade, ... l'opinione d'una persona intelligente la qual volemo che da ...
...
...
...
...
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...

Mutò Ill.mo Ecc.mo [illegible] ad instantiam Generis Alemanni, quibus mandas D. [illegible]
de respondendo pecuniis datis Agenti Mercatorum pro summa [illegible] 1520 ultra 60. [illegible]
de anno 1599 Ill.mus Ecc.mus [illegible] Demum [illegible]
[illegible] fl. 770. debitis pro [illegible]
[illegible] Mercatorum [illegible] procedendi in [illegible] fl. [illegible]
[illegible] deinde [illegible]
[illegible] 1597, et 1598. [illegible]
[illegible] Germana [illegible]
[illegible]
[illegible] fl. 3. [illegible]
[illegible] fl. 68.
[illegible]
[illegible] debet [illegible]

Nam [illegible] ut patet ex 3.° cap.lo [illegible] fl. 4. [illegible]
[illegible]
[illegible] fl. 25. [illegible]
[illegible] fl. 28. [illegible] fl. 34. [illegible] fl. 36. [illegible] fl. 3[illegible]
de mandato [illegible]
[illegible]
fl. 29 [illegible] fl. 32 [illegible] fl. 34. [illegible] fl. 36. [illegible] fl. 31. [illegible]
[illegible]
[illegible] fl. 20. [illegible] fl. 29 [illegible]
[illegible] in Senatu [illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible] fl. 27. [illegible] fl. 30. [illegible] fl. 33. [illegible] fl. 35 [illegible]
fl. 38. [illegible] fl. 40. [illegible]
1596. [illegible]
[illegible] fl. 27. [illegible] fl. 31. [illegible] fl. 36. [illegible] fl. 40. [illegible]
[illegible] 98 [illegible] 99 [illegible]
[illegible] fl. 28 [illegible] fl. 41. [illegible]
[illegible] fl. 70. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
fl. 70. [illegible]
[illegible] fl. 74. [illegible] fl. 76. [illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

~~[illegible]~~ et 3. testis ad 75 et 78. [illegible] depont. et ad fl. 77. Et quod Bosermanus [illegible] ipse [illegible] et [illegible] quia [illegible] precedit locationem [illegible] postea [illegible]

- [illegible] quod conductor [illegible] incumbentem fecit, et quod [illegible] Principis [illegible] et [illegible] audito modo ~~[illegible]~~ adaptavit [illegible] e [illegible] in locatione.

- Non potest etiam dici quod post locationem [illegible] reductio [illegible] ~~[illegible]~~ erat antiquus, talis [illegible] supplicatio [illegible] quod fuit [illegible] ~~[illegible]~~ [illegible] post locationem quello [illegible] e [illegible] in [illegible] ~~[illegible]~~
~~[illegible]~~
locationes [illegible] in [illegible] e [illegible] fol. 154.
Non obstat modo quod conductori [illegible] fuerit [illegible] remissione [illegible] sen ~~[illegible]~~ [illegible] in casu belli, [illegible] aquarum [illegible] ~~[illegible]~~ [illegible] casus fortuiti etiam [illegible] in locatione quia ipse non [illegible] remissionem [illegible] ~~[illegible]~~
~~[illegible]~~ quia non potuit [illegible] [illegible] et quod [illegible] [illegible] [illegible] in [illegible] quia [illegible] et [illegible]

Non obstat etiam quod conductor [illegible] Principis de [illegible] Principis quod forsan potuit [illegible] licet [illegible] [illegible] quia [illegible] in [illegible] Damiani [illegible] non sufficit regularis quod [illegible] [illegible] requiritur expressus consensus [illegible] necesse. [illegible] in c. cum M. Ferrariensis. n. 54. de [illegible] quia in [illegible] non presumitur consentire [illegible] et necesse [illegible] quod [illegible] [illegible] Praeterea [illegible] est [illegible] Mascard. de probat. concl. 1173. n. 36. [illegible] non valet. [illegible] ff. de minor. l. 2. [illegible]

Non obstat [illegible] quod etiam post [illegible] Damiani [illegible] [illegible] quia [illegible] in [illegible] [illegible] receptis [illegible] fol. 67. licet [illegible] clausula [illegible] ad [illegible] in productione fol. 61.

Sufficienter [illegible] reducitur quod [illegible] expensas [illegible] [illegible] per [illegible] Principis [illegible] conductor [illegible] [illegible] expensas [illegible] et propterea declaravi debet bene [illegible] et male [illegible] etiam [illegible] quod est in [illegible] conductio, [illegible]
[illegible] ~~[illegible]~~ apparet ~~[illegible]~~ ~~[illegible]~~ [illegible] ~~[illegible]~~
[illegible] ~~[illegible]~~ [illegible] locationem pro d. 150. et dicentis [illegible] conductor fuit pro d. 270. nam [illegible] quae fuit d. 1000 [illegible] in [illegible] non [illegible] d. 810 — et [illegible] ~~[illegible]~~
~~[illegible] fol. 70. [illegible]~~

Pro Hæredibus frangipani [illegible] Absolvendi sunt [illegible] minores [illegible] ab [illegible] sing[illegible] [illegible]
cn
Mag.[co] D. [illegible] [illegible]
[illegible]

~~[illegible]~~ [illegible] [illegible] dotem [illegible] [illegible] [illegible] pro [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] pro dote promissa non tenentur [illegible]
[illegible] [illegible] de [illegible]

[illegible] [illegible] ~~[illegible]~~ [illegible] [illegible]
~~[illegible]~~ ~~[illegible]~~ necesse est quod [illegible] [illegible] in [illegible]
et [illegible] [illegible] [illegible] 1553. [illegible] [illegible] 162. [illegible] [illegible]
[illegible] in casu nostro non [illegible] et consequenter [illegible] de [illegible]
[illegible] [illegible] frangipani [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
de [illegible] frangipani [illegible] [illegible] quod [illegible] [illegible] [illegible] et tempore [illegible]
~~[illegible]~~ [illegible] [illegible] [illegible] 130 [illegible] [illegible]
~~[illegible]~~ [illegible] [illegible] [illegible] D. [illegible] de [illegible] [illegible] 1553. [illegible]
[illegible] 99. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] frangipani [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] ~~[illegible]~~

[illegible] etiam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in pro [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ab [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et deinde [illegible] [illegible] [illegible] casus [illegible] [illegible] de anno 1558. [illegible] 86
casus [illegible] [illegible] de [illegible] de anno 1559. [illegible] 90. [illegible] [illegible] [illegible] de
anno 1569. [illegible] 16. [illegible] [illegible] [illegible] de anno 1575. [illegible] [illegible] [illegible]
de anno 1577. [illegible] 53 [illegible] [illegible] [illegible] [illegible] de anno [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ~~[illegible]~~ de anno 1586. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] frangipani [illegible] [illegible]
[illegible] [illegible] [illegible] 51. et in casu [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 61. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
in casu [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 498 [illegible] 85. [illegible]
[illegible] [illegible] [illegible]

[illegible] sane [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] parte [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] debere [illegible]
~~[illegible]~~ [illegible] [illegible] non debere [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] debere
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

dotalibus [illegible] [illegible] esse [illegible] modo mulieres pro [illegible] [illegible] et
[illegible] et [illegible] tempore [illegible] [illegible] nacione [illegible]
[illegible] [illegible] [illegible] etiam accedere [illegible] voluntate vel patre valeant in
[illegible] l. de [illegible] et [illegible] de pac. dom. [illegible] [illegible] ay
[illegible] quod est absurdum ac inconveniens. [illegible] accedit quod [illegible] [illegible] ubi neque
[illegible] quod [illegible] non [illegible] [illegible] [illegible] domi [illegible]
legitima [illegible] in [illegible] 145. unde debent [illegible] illas omnes qualitates, quas
legitima [illegible]. Menoch [illegible] 8. [illegible] [illegible] legitima [illegible]
gravamen. [illegible] quoniam in [illegible] l. de [illegible]. [illegible] quod [illegible]
[illegible] [illegible] [illegible] quia [illegible] esset maximum gravamen.
confirmatur [illegible] omnis [illegible] habet regressum contra patrem [illegible]
[illegible] patrem data [illegible] ad convenientem quantitatem legitimae [illegible] quoniam [illegible] de [illegible]
[illegible] unde [illegible] regressus [illegible] patrem, vel eius heredem [illegible]
legitima [illegible]. [illegible] in [illegible] de [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 6[illegible] [illegible] [illegible] et [illegible]
[illegible] heredes ~~[illegible]~~ dominis per regulam quem de [illegible]
eundem [illegible] [illegible] [illegible], debent etiam [illegible] [illegible]
[illegible].

Gradiendo autem tanto fortius militat in casu, de quo agitur [illegible] [illegible]
P° quod d. Aquinus de Colloreto non erat debitor [illegible] [illegible] [illegible] contributione, sed [illegible] restitutione [illegible] 1216.
[illegible] d. Lucretia [illegible] [illegible] d. Thomae de [illegible], [illegible] d. [illegible]
[illegible] matrimonio pro dote, reliquas [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] tenore instrumenti [illegible] [illegible] 3. [illegible]
Aquinus [illegible] omnes in pecunia numerata [illegible] [illegible] 700 [illegible]
quia [illegible] dotem filiae ad [illegible] [illegible] [illegible] [illegible] minuere
ac deteriorare. [illegible] sed [illegible] de [illegible] [illegible] reliquas vero 1226.
quia [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible]
pro [illegible] 200. [illegible] [illegible] [illegible] [illegible] [illegible] 100.
et 400. [illegible] [illegible] in 16. annos [illegible] tamen magnam [illegible] [illegible]
in [illegible] [illegible] debentur et [illegible] d. Colloretus [illegible] de anno 1668 [illegible]
[illegible] [illegible] 26. unde [illegible] [illegible] heredes [illegible] [illegible] fuerunt
gravati, deberent [illegible] nunc [illegible] etiam [illegible] [illegible], quod [illegible]
[illegible], per regulam quod [illegible] gravatus in alio debet relevare.
[illegible] [illegible] non omnes [illegible] [illegible] [illegible] in [illegible] dotali,
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible], et ea propter [illegible]
[illegible] ad [illegible] de anno 1566. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 600. [illegible] [illegible] in summam
[illegible] 130. [illegible] [illegible] [illegible]
[illegible] 100. ut patet [illegible] [illegible] 106. [illegible]

Tunc [illegible] [illegible] [illegible] [illegible] [illegible] modo [illegible] [illegible]

[illegible] [illegible] [illegible] quod postea [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Tpendente etiam lite in ius redactionem contrah. eius feudi. quodam tenetur ex illis a omnibus debitis ex causa feudi.

3º. quod est ad minimum [illegible] quia D. Bonus de [illegible] [illegible] tenetur ex illis D. Joannis de Trempe de anno 1553 ut videtur ex carta producta fo. 99. heredes D. [illegible] de Moretto [illegible] ad emptionem ad relaxationem ex causa feudi eius de Tremps notarii [illegible] Frangipanis in iudicio ad mandatum [illegible] 98 et [illegible] est sententia in favorem [illegible] et [illegible] D. Trempi [illegible] [illegible] Frangipanis [illegible] [illegible] quo condemnati [illegible] ex capite feudi ad relaxandum [illegible] feudale et [illegible], ut patet ex [illegible] fo. 101

4º. quia [illegible] Frangipani [illegible] bona D. Georgii ex patris [illegible] [illegible] [illegible] ob [illegible] commissi [illegible] a D. [illegible] ut patet ex litteris [illegible] Advocati de [illegible] in [illegible] fo. 103. et [illegible] [illegible] ad [illegible] favorem [illegible] [illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut patet ex [illegible] lege [illegible] fo. 94. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] possessionem, eam autem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] contractum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] debere, et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. Advocatum in favorem [illegible] Frangipanorum fo. 103, licet [illegible] D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fo. 103. [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Ex praedictis [illegible] patet quod cum contractus [illegible] [illegible] [illegible] [illegible] requisita [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] requisita, [illegible] quod [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible], sed in [illegible], [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex capite feudi, et [illegible] [illegible] [illegible] ut patet ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex parte [illegible] Frangipanorum [illegible]

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Pro D. Marco Ant. Santis? Ob Capli. licent. hentiam

Nob. D. Marcus Antonius Sanctis q. D. Nicolai olim D. Francisci [illegible] ad petitionem Ad. Capli. [illegible] dicit [illegible] numquam [illegible] de [illegible] [illegible] D. Aloysij eius [illegible] [illegible] produci [illegible]. [illegible] autem [illegible] D. Francisci [illegible] mediante [illegible] D. Nicolai [illegible] [illegible] Venetijs [illegible] [illegible] hoc loco [illegible] [illegible] nunc producta [illegible] [illegible] eam [illegible] [illegible] non [illegible]. [illegible] etiam molestatur numquam [illegible]

Nob. D. Marcus Antonius [illegible] q. D. Nicolai olim D. Francisci [illegible] ad petitionem Ad. Capli. [illegible] Campanea [illegible] [illegible] [illegible] [illegible] Capli. [illegible] [illegible] [illegible] [illegible] non [illegible] molestum numquam [illegible] de Sodia [illegible] [illegible] [illegible] D. Aloysij eius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] declaratione [illegible] [illegible] M. Antonij [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] Mag. [illegible] D. Nicol. Generali Aquileiensi comparens [illegible] del Mestij de [illegible] [illegible] D. Alberti del Mestri [illegible] [illegible] [illegible] declarationis [illegible] Apostolicas [illegible] [illegible] matrimoniali [illegible] [illegible] [illegible] [illegible] [illegible] instrumenta [illegible] instrumentis [illegible] D. [illegible] in [illegible] Apostolicas [illegible] [illegible] dispensatione matrimoniali [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Declaratione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Ioannes Baptista del Mesti, ac [illegible] Albarosa itidem del Mesti de loco [illegible] Aquileien. dioces. qui duplici tertio et 3o. consanguinitatis gradu a communibus stipitibus provenientibus invicem sunt coniuncti cupiunt [illegible] matrimonio inter se copulari [illegible] [illegible] a Sede Apostolica pro dispensatione quam alias omnino possent [illegible] Ioannes Baptista [illegible] contraxerunt, [illegible] matrimonium [illegible] [illegible]. et cum pro [illegible] causa [illegible] coram [illegible] Aquileien. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], qui [illegible] causam [illegible] non probabant, [illegible] [illegible] [illegible] [illegible] [illegible] Apostolicas [illegible], esse [illegible], ad [illegible] non [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in causa matrimoniali [illegible] [illegible] [illegible] [illegible] [illegible] unde appellaverunt ad [illegible] Sedem, [illegible] [illegible] Apostolicis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ordinarii [illegible] [illegible] [illegible], [illegible] [illegible] [illegible], vel [illegible], vel [illegible] Archidiacono Aquileien. in [illegible] [illegible]:

Sub dat. Romae [illegible] [illegible] 1601.

Pro Cappellano S. Andreae de Melbio.

ut ad [illegible] appellationem sufficiat aetas 14. annorum

Supposito quod Cappella S. Andreae de Melbio de iure Patronatus [illegible] [illegible] [illegible] [illegible] [illegible] et simplex Beneficium, nulli dubium est quod ad [illegible] [illegible] sufficit aetas 14. annorum, ut [illegible] in Concil. Tridentin. cap. 6. sess. 23. quo loci Sacra Cardinalium Congregatio declarat. [illegible] 254. [illegible] quod ad simplex Beneficium [illegible] sufficiat quod quis attigerit 14. annum, licet [illegible] non [illegible]. [illegible] [illegible] [illegible], [illegible] [illegible] in minoribus ordinibus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] S. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], nam ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. unde [illegible] Beneficium aliquando fuerit [illegible] [illegible] [illegible] fuerit [illegible] [illegible] [illegible] [illegible] haberi debet, [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] Dec. [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] ultimi et immediati [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in personis [illegible]. [illegible] [illegible] de [illegible], et [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Cappellam [illegible] [illegible] [illegible] [illegible] in minoribus ordinibus [illegible]. [illegible] [illegible] [illegible] annos [illegible] [illegible] Beneficium de [illegible] in regulare, et de regulari in seculare, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible]. [illegible] 8. [illegible] 3 non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] habeat celebrandi missas. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut declarat Sacra Card. Congreg. decla. 64 [illegible] [illegible] [illegible] Cappellis [illegible] [illegible] [illegible] [illegible] quod Cappellanus debeat celebrare [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Card. Congre. [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] Beneficia simplicia [illegible] [illegible] habere [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] simplicia, [illegible] [illegible] [illegible] [illegible] [illegible] aliquod onus annexum, [illegible] [illegible] missam, [illegible] [illegible] [illegible] [illegible], et [illegible]. [illegible] [illegible] [illegible] qualitas [illegible] Benefic. [illegible] [illegible] [illegible]

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inferri necessarii ut appellans debeat ore [illegible]. [illegible] 837.

[illegible] reja [illegible] presentatio [illegible] contingat fieri de clerico [illegible] ordines

[illegible] [illegible] [illegible].

D. [illegible] [illegible] Gasparre [illegible] [illegible]

D. Joannes Leonardus Morosinus [illegible] petitione [illegible] se [illegible] [illegible] [illegible] [illegible] [illegible] Gasparem filium q. Nicolai [illegible] [illegible] [illegible] [illegible] se admitti [illegible] [illegible] [illegible] [illegible] eius [illegible] [illegible] D. [illegible] Morosino patri. D. Joannes [illegible] [illegible] [illegible] [illegible] ad [illegible] favorabilis [illegible] [illegible] debeat [illegible] [illegible] exceptionibus [illegible] [illegible] manifestos [illegible] et calumnias [illegible] compe[illegible] [illegible] [illegible] [illegible] [illegible] cetera simulatione [illegible], quod ad hunc [illegible] [illegible] [illegible] [illegible] temperare quod [illegible] non [illegible] [illegible] [illegible] [illegible] adiuvare [illegible] [illegible] [illegible];

[illegible] [illegible] [illegible] [illegible] capitulo [illegible] [illegible] [illegible] [illegible] [illegible]

che Gasparre [illegible] [illegible] [illegible] Nicolo [illegible]

che [illegible] [illegible] [illegible] [illegible]

che [illegible] in casa [illegible] spese del padre

Pro Mag.co D. Curtio [illegible] cum Mag.co D. Cornelio [illegible]

Mag. Non recusat [illegible] D. Curtius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] remanere contentus, [illegible] [illegible] consentit [illegible] [illegible], [illegible] [illegible] pondere accepto, et mihi favorem reproducit, siquidem [illegible] [illegible] [illegible] [illegible] contractum ipso [illegible] [illegible] [illegible], [illegible] hunc [illegible] omnium administratione [illegible], verisimile est quod aliquas solutiones [illegible] [illegible] [illegible] [illegible] etiam [illegible] [illegible] [illegible] non debet [illegible] [illegible] [illegible] [illegible] in hoc [illegible] [illegible] in quo [illegible] [illegible] adeo [illegible] appareat ut [illegible] [illegible] [illegible] [illegible] publicis [illegible] [illegible] [illegible] pariter [illegible] [illegible] siquidem [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] D. Cornelius [illegible] semper [illegible] [illegible] [illegible] D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] plenam [illegible] [illegible], [illegible] [illegible] hoc negotio [illegible] D. Curtius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] q. Mag.ci D. Bonifacii [illegible] [illegible] cum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] unde [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] rationes [illegible] paratus postea [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Per il S. Commendatore Colloreto in Caso pensionis.

Io tengo che il M. Ill. S. Commendator Colloreto possa esser conservato nel possesso di scoder la pensione etiam bullis non expeditis; et mi fondo sopra la Pratica Seluth: [deve il Tribunale dell'A. C. della Camera] libri i. Corneto de modo procedendi coram A. C. Camerae ubi hoc recensa lib. 3. cap. 3 ubi censet quod tria in hoc iudicio debent concurrere, 1° quod supplicatio manu S. mi signata seu illius sumptum in forma probanti producatur. 2° quod probet reum convenit possidere beneficium gravatum pensione. 3° quod agens probet se esse in possessione, vel quasi exigendi pensionem ab ipso reo, vel a suis antecessoribus quod potest fieri per testes, vel per publicas scripturas vel per confessionem partis ut ibi per eum qui etiam in lib. 4. cap. 4. declarat formam Monitorii. et mi confermano in questa opinione per un caso [seguito] simile [recentemente praticato] da Mons. Vic. di Venezia. et volendo tenere questa strada il Monitorio che è stato mandato da Roma non è buono perche nomina quattro persone cioè Mons. Bernardino Pappo, Mons. Nicoletti, Mons. Gioseffo Pappo, et Mons. Priamoria, et nondimeno bisogna restringersi alli soli Mons. Nicoletti, et Priamoria, come possessori delle prebende super quibus imposita fuit pensio; 2° perche narrando il Monitorio la reservatione della pensione habita, et cetera, Prout in literis desuper expeditis plenius continetur; la qual clausola è vera, perche le bolle non sono state spedite.

Ne in questo caso però esser opposta l'incompetenza del foro in proposito insinuata, ò [recusato] et [illegible] di qualche intereso rispetto al Nuntio in temporale perche tutti li giorni [illegible] si danno di pensioni sono lenati Monitorij dall'Offitio dell'A. C. della Camera et eseguiti per tutte [illegible] et questo è notorio.

Si potrebbe ancora agitare coram Ordinario che sarebbe il Vic.o di Mons. Ill.mo Patriarcha, et dimandare contra i possessori delle prebende di esser restituito al possesso di scoder la pensione dalli dal quale il Commendatore viene spogliato producendo la supplica, provando che questi possedono le prebende, et il possesso di scodere.

A questo si potrebbe esser opposta ~~de bullis~~ l'espeditione delle bolle che non è stata fatta, et la regola di Cancellaria de non iudicando iuxta formam supplicationum, sed literarum expeditarum per la quale il Gigan. in tract. pensio. quaest. 24 nu. 1. vuole quod ex simplici vigore supplicationis signatae nullus agere contra Rectorem Beneficij gravati valeat ut obtinere, tunc ei solis gratia non suffragatur sine literarum expeditione, quod ipsius ordine adversus rescripto. à questo si risponde quod regola illa non procedit quando agitur possessorio, quia tunc sufficit habere solam supplicationem signatam, ut per Gomes. super d. reg. quaest. 5. ubi nu. 1. dicit quod Lex Rota omnes regulas requirentes literas expeditionem in petitorio, non autem in possessorio procedere intellegunt.

Ne sarebbe da dubitare [illegible] perche non havesse à giovare ove rispetto alli presenti possessori da quali non si ha riscosso, perche pensio est onus reale et inhaerens ipsis praebendis, et sequens praebendas in quemcunque cadunt, ut per Giga. quaest. [illegible] nu. [illegible] et quod pensio imposita de consensu per solam supplicationem debet et [illegible] ab [illegible] etiam literis non expeditis, ut per Gomes. in reg. Cancel. de non iud. iux. for. suppli. quaest. i. nu. 2. et tunc remedia possessoria competunt etiam contra

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singularem successorem cum titulo, etiam de habentem rem non solum a spoliatore, sed etiam ab alio, praesupposita quod res per multas manus transiuerit ... de spolio ... c. saepe. de resti. spoli. et magis ... de spo. ... remed. recupe. ... et quando questa eccettione fosse delle bolle non spedite fusse fatta apertamente ... si potrebbono spedire ... motum ... nel qual caso ... questi Canonici ... volontariamente.

Hora considerato insieme tutte queste ragioni con le difficoltà che possono nascere ... a Roma, come in ... rispetto che li affari miglior ... più commodo di agitare innanzi al ... Patriarcale.

Però vorrei citare in giuditio Mons. Nicoletti, et Mons. Brianovia et dimandare ... di loro come possessori delle prebende ... cioè Mons. Nicoletti come ... della prebenda ... del C. Commendatore, et Mons. Brianovia come possessore della prebenda di Mons. Gioseffo ... di esser restituito al possesso di godere la pensione di d. 40. ... nel quale ... dell'anno 97. et fin allhora ancora ... creditore di ... d. 50. et ambidue ... condannati al pagamento di detti d. 50. ... et ... la pensione ... dal 97.

Ma bisogna considerar bene che questo particolare ha da esser concludentemente provato ... l'identità delle prebende ne saprei imaginare più sicuro modo che trovare le bolle del C. ... al quale fu renunciata dal C. ..., le bolle del C. ... al quale fu renunciata ... et le bolle del C. ... al quale fu renunciata dal C. ... che si venisse alla persona che ha optato la prebenda, la qual optione bisognarebbe ... et ante omnia far cavar autentica ... atti del ... Cap.°, perché ... queste bolle ... cavate ... l'identità, ... l'... pretendere ... optata bisognarebbe ... provasse. ~~et ...~~ ~~... di Mons. Nicoletti, ...~~ di Mons. Brianovia ... ~~...~~ ... quanto per Mons. Brianovia bisognarebbe trovare l'atto della ... fatto dal C. Gioseffo con il precessore Canonico di Mons. Brianovia, et poi produr le bolle di Mons. Brianovia ... del detto Canonicato. Sopra tutto bisogna trovare ... l'atto della optione ..., et della ... alle bolle per ... tutte in Patriarcado ...

et crederei che Mons. Brianovia medesimo ... esser ... a trovare queste cose, poiché in effetto ... molestia ...

Pro Petro Grandis, et fratribus q. Simonis Cini contra Lucretia [illegible] Cina

[illegible] libello

Petrus Grandus et fratres q. Simonis Cini de [illegible] Aquileia [illegible] petitione contra [illegible] productam nunc, et [illegible] Lucretiae, et Pauli filii, [illegible] et [illegible] q. Bernardini [illegible] Mag.ci Petri Cini qua [illegible] quadam facti [illegible] [illegible] videntur D. Petrus et fratres [illegible] relegare quandam documentum [illegible] in [illegible] [illegible] Cini [illegible] partem parum bona D. q. Petri D. Lucretia et Paulo debita [illegible] q. Bernardini [illegible] [illegible] in [illegible] relicta [illegible] D. Petro Cini [illegible] quadam [illegible] commenerus et [illegible], uelabis [illegible] [illegible] petitione ad quam [illegible] habeat [illegible] amplexima, in reliquis [illegible] [illegible] [illegible] petitionem laborare inter cetera [illegible] incertitudinis. [illegible] documenta [illegible] confines, aut [illegible] [illegible] scilicet [illegible] [illegible] cuppis vel [illegible] [illegible], [illegible] bona [illegible] et [illegible] [illegible] [illegible] facere, ut [illegible] deliberare [illegible] et propterea [illegible] [illegible] [illegible] nulla [illegible] [illegible] quod [illegible] [illegible] q. Petri Cini nihilominus [illegible] [illegible] ulteriora procedatur [illegible] quod clarius et apertius [illegible] [illegible] [illegible] et licentiari et absolvi [illegible] [illegible] [illegible] [illegible] salvis [illegible] atque [illegible] [illegible]

Pro Mag.co D. Curtio [illegible] et fratre [illegible] Mag.co D. Florentio [illegible] et fratre

libellus.

Tempus [illegible] q. [illegible]

[illegible] Mag.ci del Florin

[illegible] libelli formula summarie [illegible] [illegible] D. Curtius de [illegible] [illegible] [illegible] [illegible] D. Florentio et [illegible] [illegible] [illegible] quod de [illegible] 1563. [illegible] [illegible] filius, et [illegible] [illegible] [illegible] alterius nempe in villa [illegible] alterius in villa [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] nulla [illegible] [illegible] [illegible] partes [illegible] quod aperte [illegible] [illegible] clausula illa [illegible] sed multo [illegible] altera clausula [illegible] D. [illegible] [illegible] D. Curtio ad [illegible] [illegible] erant [illegible] [illegible], ut [illegible] [illegible] [illegible], [illegible] semper [illegible], et [illegible] [illegible] in [illegible] [illegible] [illegible] quod [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 4 [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] emptorem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] interpellatio [illegible] [illegible] [illegible] [illegible] [illegible] Mag. D. Curtius declarando [illegible] [illegible] [illegible] [illegible] et consequenter [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible]

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Pro Mag.^{ca} Domina [illegible] iniquissima [illegible] [illegible] Mag.^{ci} D.^{ni} Joannis [illegible] [illegible] [illegible] in Mag.^{cos} D.

[illegible] [illegible] D. [illegible] [illegible] omnia [illegible], [illegible] [illegible] [illegible] ordinem [illegible] [illegible]. in ordine

[illegible] [illegible] dum in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible]

[illegible]: in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod

[illegible] [illegible] [illegible], quia [illegible] est quod [illegible] [illegible] [illegible] [illegible] [illegible]

non [illegible] necessaria procedere mandare. caeterum [illegible] [illegible] [illegible] [illegible], [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] coram [illegible] [illegible]. [illegible] D. [illegible]

[illegible] [illegible] [illegible] parati sunt eam [illegible] [illegible] [illegible] [illegible]

[illegible] in beneficium [illegible] et [illegible] [illegible] [illegible]. [illegible], ab [illegible] [illegible] [illegible]

[illegible] sunt [illegible] [illegible], et [illegible] D. [illegible] [illegible] [illegible] [illegible]

[illegible] ad legitimam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tempore [illegible]

illius, [illegible] tamen [illegible], et bonis fidei [illegible] [illegible] [illegible] [illegible] D. [illegible] [illegible]

[illegible] [illegible], ut [illegible] illius [illegible] quod [illegible]. [illegible] parati etiam sunt [illegible] D.

[illegible] [illegible] [illegible] in bonis maternis, in reliquis [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] non [illegible] quia illud [illegible] est nullum [illegible]

cum nulla in eo appareat [illegible] [illegible] [illegible] D. [illegible] [illegible] [illegible], [illegible] D. [illegible]

[illegible] [illegible], et [illegible] [illegible] [illegible] quibuscumque [illegible] [illegible] exceptionibus [illegible] quandocumque

et quomodocumque [illegible] [illegible], et acceptant omnibus [illegible] [illegible] [illegible]

illisque [illegible], [illegible] vero [illegible]

[illegible] deinde capitulum quod D. Alba [illegible] D. [illegible], et D. Alexandri [illegible]

[illegible] [illegible] [illegible]

Quod D. [illegible] altera [illegible] [illegible] decessit post mortem matris [illegible] et

[illegible] [illegible] [illegible] [illegible] [illegible] confessionis [illegible] in [illegible]

Pro ipsem ad eadem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] Mag. D. Comitis [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] D.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] non remanere

D. [illegible] [illegible], [illegible] [illegible] non remanere [illegible] [illegible] [illegible] Mag.

D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] tamen

[illegible] [illegible] [illegible] [illegible] D. [illegible] [illegible] [illegible] quod [illegible]

[illegible]. et propterea [illegible] [illegible] [illegible] post [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] in bonis [illegible] [illegible] et [illegible]

[illegible] [illegible] ad legitimam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible], [illegible] [illegible] [illegible], ac [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible]; et quia [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] quandam [illegible] [illegible] [illegible] D. [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Pro Mag.ca D. Francisca Wolkerin et Heredibus D. Comitis Bonifatii

Mag.ca D. Francisca [illegible] Mag. D. Comitis [illegible] Mag. [illegible] esse [illegible], et [illegible] fratribus [illegible] eius [illegible] [illegible] religiosis impossibile, [illegible] et [illegible] in ea non relevare [illegible] reduci debeat [illegible] ad aequalitatem [illegible] [illegible] consequenter [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Comiti [illegible] candem [illegible] integram [illegible] argumenta [illegible] [illegible] est allegata ratio differentiae [illegible] quod [illegible] D. Comes Bartholomeus Abbas [illegible], et Mag.cus D. Comes Bonifatius [illegible] ipsa [illegible] [illegible] feudalibus [illegible] [illegible] non [illegible] de [illegible] [illegible] [illegible] [illegible] Mag.ci [illegible] consequi in bonis feudalibus, et [illegible] acquisitis [illegible] [illegible] possit procedere argumenta, sed dum volunt consequi in bonis hereditariis [illegible] certe conveniens non est ad [illegible] Mag.cae D. Franciscae, ea propter [illegible] exceptionibus [illegible] in medium adducit [illegible] eius [illegible] petitionem circa [illegible] fieri, et [illegible] peti [illegible] in [illegible] [illegible] [illegible] et ulterius petit etiam [illegible] [illegible] [illegible] in [illegible] relicta per q. Mag. D. [illegible] [illegible] [illegible] q. D. [illegible] [illegible] causa [illegible] [illegible]

Pro D. Bernardo Micossio de Porcenbia et Georgio Pitolo

Respo. ad libellum

D. Bernardus Micossius de Porcenbia [illegible] libello [illegible] parte et nomine Georgii Pitoli de eodem loco [illegible] [illegible] generalem [illegible] ne [illegible] et consequenter [illegible] [illegible] [illegible] [illegible] [illegible] valeat ad respondendum [illegible], ea propter [illegible] [illegible] [illegible] ad ulteriora procedendum [illegible] [illegible] [illegible] [illegible] [illegible] competenti [illegible]

Pro [illegible] Comitibus [illegible] et D. [illegible]

legitimus intervenies pro Mag.co D. Comite [illegible] [illegible] et [illegible] Mag.co D. [illegible] D. [illegible] [illegible] declarationem [illegible] in [illegible] [illegible] [illegible] productam [illegible] [illegible] principalis, nec non [illegible] quod [illegible] causam pertinentem [illegible] temporaneae, quae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] ad aliquam [illegible] Mag.ci [illegible] D. [illegible] [illegible] declaravit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in ipsa [illegible] ea propter [illegible] [illegible] omnia [illegible] in officio Cancellariae, processu [illegible] [illegible] in [illegible] causa [illegible] [illegible] ad [illegible] coram Ill.mo et Ecc.mo [illegible] [illegible] quippe quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] manifeste deprehendatur [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] causis [illegible] [illegible] [illegible] [illegible] [illegible] in causa, et [illegible] [illegible] [illegible] [illegible] Mag.ci [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] causa [illegible] et careant privilegio pro omnes [illegible] [illegible] [illegible]

Pro Mag^ro D. Curtio Moret ... Marcum ... [illegible]

Sententia Ex^mi D. Iudicis ... [illegible] qua mandavit ... [illegible] nullam attulit [illegible] Pro Marcum et fratris ... [illegible] debuerint, siquidem [illegible] non reiicit capitula [illegible] ... [illegible] ... [illegible] attulit [illegible] Mag^ri D. Curtio Moret [illegible] ~~[illegible]~~ ... est, ~~[illegible]~~ in ~~[illegible]~~ [illegible] ... ~~[illegible]~~ ... [illegible] ... sed etiam [illegible] ad confessione[m] [illegible] ... de anno 1598. Siquidem illa [illegible] ~~[illegible]~~ appellabilis ... de anno 1599 [illegible] in processu [illegible] ... appellatione petit declarari male iudicatum ... ~~[illegible]~~ [illegible] ... appellans ... [illegible] ... ad [illegible] ~~[illegible]~~ ... [illegible] ... qui [illegible] ... interlocutoria ... ad iudicem [illegible] ... et ab eodem ad iudicem [illegible] ... causa [illegible].

Pro Ianalea de Antoschio [illegible]

Ioannes [illegible] de [illegible] de [illegible] ... [illegible] ... [illegible] Nicolao ... [illegible] ... Ianaleam, siquidem [illegible] donatione [illegible] prior donatione facta ... Nicolao [illegible] et fratris filius [illegible] eius fuit, quae quidem irrevocabilis ... et iuramento etiam [illegible] ... [illegible] ... in [illegible] ... pecunias [illegible] de [illegible] ... Nicolaum donatarium [illegible] ... et [illegible] Ioannes [illegible] ... Nicolao eius [illegible] ... [illegible] ... donatione ... [illegible] ... [illegible] ... ~~[illegible]~~ ... [illegible] ... [illegible] ... [illegible] ... [illegible] ... [illegible] ... [illegible].

Pro Rdo. secunae Cappellano C. Susanae et D. Ioanne Baptista Mattolem. Allegationes

Capitulum Rdo. secundus Cappellani C. Susanae admitti debet ~~non est illa ratione~~ quod praeditti quia
et confirm. licet lib. Ant. de rebus ... capitula in dubio et controversie admittendum saltem iure congest.
... et non admittendo se impone ... quia et sit casus legis ... et quidem
faciendo quod etiam de iure communi capitula in dubio venit admittendum ad retinendum et ...
quia istud est minus praeiudiciale partis. L. i. ff. ... et Bald. ... Cap. nu. 3.
et Abb. in L. Librorum. Eidem in ... ubi multos allegat et ita
etiam se habet praxis universalis in ... de ... Ant. ... nu. ... contingat.
de offi. deleg. et Bart. de Castr. in L. Libros. Eidem ... de ... et alii
... in q. 34. nu. ... admitti autem multo fortius debet quia est pertinentissime
ad causam, tendit enim ad probandum quod Brazza in ... sequestratam, quae D. Ioanne Bapta
Mattolem est eadem ... in locationibus Rdo. Cappellani C. Susanae 1588. ... et
et ... 1590. 16. May. producti in processu ... productis ... consequenter ... ipsorum ... producti ...
... de anno 1577. probarent Brazzam illam esse ... ita probatio ...
descendens a scriptura privata ... non deberet ... publicis instrumentis ...
... scriptura privata ... L. scriptura ... per ... ad ...
... inventarii ... Cappellani ... instrumento 1563. 6. ... Franciscus de Zappola ...
Cappella C. Susanae ... in ... de ... et ...
... Cappellani ... de anno 1544 ... apparet ... etiam ...
... Sermonis ... in parte ... et etiam ... Sermonis ... 4
... sequestratis ... generalis ... instrumenta ... Sermonis ...
... Sermonis ... ~~...~~ ... etiam ... Cardella
... de ... de anno 1588 ...

Tertius ... Cappellani ... de anno 1588 ...

Nec adversarius potest ... nullo ... hic procedere non posse ... in ... in
quo ipse ... quia ... negatur ... esse ... in ...
... Brazzae in ... nullo modo probat nisi ...
... partibus ... manu ... nullam fidem facere
... scriptura privata ... et multo minus non comprobantur ... instrumentis
et sequestris in ... partibus ... quae quidem ... erant ... sequestrarentur
... producta fuisse ... Ordinum ... seu ... municipali
lib. Ant. ... tamen ut credam ... de ... annis non ... et in ...
... seu ... ut ... satis.

Cum igitur pro Cappellano ... instrumenta ... plures partes, ... sequestra, ...
... duplicatas locationes ... 4 ... per ... partis illius manu
... admittendum est ... quia probat ... enim ... paramen ...
est ... ne illius Brazza sequestraretur, et ... ad ... secundum
... ad ... D. Index ... ~~...~~
~~...~~ ...
... facile ... ~~...~~ ...

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Sma

Admodum Mag.ci Domini Observandissimi. Vidi processum ad vos transmissum causae vertentis inter Ex: D. Marcum Antonium Brunum, et fratres eius [illegible] ex una, et heredes q. D. Mathei eiusdem Bruni se tenentes ex altera et etiam recommendientes occasione mobilium hereditatis q. D. ~~[illegible]~~ Antonij Bruni eorundem auctoris et aliorum praetensorum dicti D. Catherinae et DD. [illegible] suis, et [illegible] eorum Illustrissimi [illegible]. ~~[illegible]~~ [illegible] testamento ipsius q. D. Antonij divisionibus hereditatis inter partes sequutis sententijs arbitrarijs, et iudicialibus inter eas latis, et demum hoc processu una cum doctissimis utriusque partis allegationibus omnibusque mature prout decet consideratis Dominationibus Vestris [illegible] Ex: Marcus Antonius ~~[illegible]~~ de [illegible] [illegible] sentio absolvendos esse heredes Domini Mathei a petitione Ex: Bruni et fratrum, et illos similiter absolvendos a recommendatione ~~[illegible]~~ ipsorum heredum D. Mathei, et utrique parti [illegible] [illegible] eidem [illegible] perpetuum imponendum silentium et ut ita pronunciare [illegible] remissis expensis. et me illis plurimum commendo.

[illegible]

Pro Domini Comitibus [illegible] contra D. [illegible]

Allegationales

conclusione ut in causa et
Ex quia post conclusionem processus dimissus fuit nobis [illegible] ad producendum de iuribus, licet intra [illegible] producendum [illegible] [illegible] expressum fuerat a Mag.co D. Francisco [illegible] Mag.co D. [illegible] de [illegible] expedito ad favorem Mag.ci Domini Comitis [illegible] [illegible], et postea [illegible] Capram qui fuit a D. V. Ex.a [illegible] [illegible] [illegible] expeditionem [illegible] Mag. D. Francisci et ~~[illegible]~~; ita ut propterea contraria [illegible] [illegible] fuerit ~~[illegible]~~ frendere ~~[illegible]~~ resoluta, et [illegible] non ~~[illegible]~~ [illegible] [illegible] Comitis. nihilominus pauca quaedam dicenda quae ad sententiam [illegible] [illegible] [illegible] ad favorem D. Nicolai [illegible], quod [illegible] credimus

Non obstante [illegible] [illegible] [illegible] quod fuit [illegible] Comites producta [illegible]; aliquid [illegible] productionibus [illegible] qui ad [illegible] rem in infinitum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] causae [illegible]

Nam D. Comes [illegible] de anno 1569 [illegible]

[illegible]. [illegible] praedictis omnibus non [illegible] [illegible] et [illegible] [illegible] [illegible] penes [illegible] Dominos [illegible], et Capram, et penes M. V. Ex. [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] descendentes et in linea descendentium [illegible]: Nam bona [illegible] [illegible] fuit aliena [illegible] D. Comitis [illegible] [illegible]. Ex ipsis [illegible] [illegible] [illegible] Comitis [illegible] ~~[illegible]~~ altera de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 6. [illegible] 1569. [illegible] [illegible] [illegible] [illegible] die 21. [illegible] [illegible] 1569. ~~[illegible]~~ [illegible] enim [illegible] [illegible] [illegible] [illegible] [illegible]

ad beneficium [illegible] et [illegible] ediverit, quamquam Alliberatione contra [illegible]
non potuisse [illegible] a petitis quod tamen liberari [illegible] a [illegible] [illegible]
ex [illegible], [illegible] [illegible] eos [illegible], quibus [illegible] [illegible] [illegible]
quod D. Bertholdus ~~[illegible] [illegible] [illegible] [illegible] [illegible] casu [illegible] [illegible]~~
[illegible] in eodem casu [illegible] [illegible] quo erat D. [illegible] in processu [illegible]
of [illegible] [illegible], [illegible], erat etiam in ea [illegible] que [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] mediante [illegible] et meliorament[is] [illegible] (inhabitationis) : unde [illegible] [illegible]
debet [illegible]. [illegible] [illegible] [illegible] [illegible]

Sna — Admodum Mag. Dni [illegible]. ~~[illegible] [illegible] [illegible] [illegible]~~
in causa appellationis [illegible] [illegible] Petro Maria [illegible] [illegible] Mag. D.
[illegible] et [illegible] [illegible] [illegible] in favorem [illegible] [illegible] Ioannis de [illegible], [illegible] processu [illegible]
[illegible] [illegible] considerans [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] declarandum bene [illegible] [illegible] D. [illegible]
Ioannis male [illegible] appellatum [illegible], [illegible] [illegible] [illegible], [illegible] [illegible]

De [illegible] P. Marie de [illegible] [illegible] — Temere [illegible] [illegible] [illegible] rationabili causa [illegible], aut iniustitia a [illegible] Sna [illegible]
[illegible] [illegible] [illegible] et [illegible] fuit, et capitula [illegible] [illegible] [illegible] (tanti, ac) [illegible] impertinentia ac
[illegible] quemadmodum [illegible] capitula in processu producta, [illegible] declarandum debere
bene [illegible] [illegible], et male [illegible] appellatum [illegible] capitulis [illegible] [illegible] [illegible]
[illegible] ad [illegible] ~~[illegible]~~

De [illegible] [illegible] [illegible] Ricardo [illegible] — Nob. et M. D. Franciscus [illegible] [illegible] [illegible] [illegible]
D. Ricardo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] 18. [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] aestimationem
[illegible] [illegible] [illegible] et [illegible] [illegible] libello ad [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ~~[illegible]~~ [illegible] proponere videat [illegible] [illegible] [illegible] quod [illegible]
D. [illegible] [illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible], neque [illegible]
[illegible] [illegible], neque [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~
[illegible] ad [illegible] [illegible] — [illegible] [illegible] D. [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]
[illegible] ~~[illegible] [illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] D. [illegible] non [illegible]
in [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] libello [illegible] [illegible] ~~[illegible] [illegible] [illegible] [illegible]~~ [illegible]
[illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible]

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Per i Mri Contri l Frangipani con il Rdo Pievano

Siamo tutti contro Frangipani; et il Popolo di [illegible] diversi giovani con [illegible] Gratiani venite [illegible] quali supplicano V.S. Illma et Rma di far [illegible] a [illegible] il Molto Rev. [illegible]. e pigliare informatione del molto della quale [illegible] potra poi pigliare quel espediente [illegible] e della [illegible] prudenza [illegible] più opportuno [illegible] della [illegible] di quel popolo [illegible] devotione.

[illegible] non [illegible], ne comporta che da altri si celebri sopra l'Altar maggiore della Chiesa con tutto che si [illegible] conforme all'ordine [illegible] dell' Illmo et Rmo [illegible] Patriarcha, et [illegible] ancora [illegible] alcuni [illegible] nel [illegible]

[illegible] della chiesa [illegible] d'elemosine [illegible] il tabernacolo del SSmo Sacramento [illegible], et di pingere [illegible] [illegible], et [illegible] cacciando di chiesa il pittore.

[illegible] negato publicamente la confessione et communione con scandalo publico

che ha rivelato le confessioni di diverse persone

[illegible] administra [illegible] [illegible] Sacramenti, che si è lasciato cadere in terra il Sacramento dell'Eucharistia;

che si è partito dalla [illegible] et è stato lontano [illegible] senza [illegible] alcuno in suo loco [illegible] di [illegible] et [illegible] confessori.

che mai [illegible] ha fatto un sermone al popolo, et facendolo ancora non [illegible] della maggior parte [illegible] [illegible], [illegible] et [illegible] secondo [illegible] de l'idiomate [illegible] [illegible] et [illegible] di [illegible] in quel [illegible].

[illegible] con maniera [illegible] [illegible] è [illegible] molti che volevano confessarsi e comunicarsi alla festa del [illegible] [illegible] [illegible] [illegible] et [illegible]

Per il S. Filippo d'[illegible] Non [illegible] il Sig. Lattantio, et è cosa notoria [illegible] col [illegible] della madre [illegible] [illegible] le spese della lite [illegible], [illegible] et altre, [illegible] [illegible] [illegible] il Sig. Filippo la confessione della [illegible] parte [illegible] per [illegible] [illegible] nella lite [illegible] Lattantio che ha durato [illegible] anni [illegible] il giudice [illegible], et a Venetia [illegible] quarantia, et [illegible] [illegible], onde non [illegible] il Sig. Lattantio [illegible] questa donatione per [illegible] di tutte le [illegible] da lui [illegible], perche [illegible] delli denari della lite et questo [illegible] [illegible] della donatione la quale [illegible] [illegible] di tutte le spese [illegible] [illegible] [illegible] [illegible] [illegible], et contra [illegible] [illegible] [illegible] [illegible] quello che ha [illegible] Lattantio [illegible] [illegible] [illegible] Filippo [illegible] [illegible] et [illegible] di questa donatione [illegible] quello che [illegible] col [illegible] del [illegible] nel quale appare [illegible] è 900. [illegible] della madre, [illegible] del 93. [illegible] S. Lattantio, d'una [illegible] di 2 [illegible] d'un'altra di 440. [illegible] di L 6, [illegible] 3 [illegible] [illegible] L 40. [illegible] et [illegible] del [illegible] di L [illegible] [illegible]

di [illegible] delle quali [illegible] si riferisce la [illegible] conclusione. Giudicherebbe [illegible] dover il L. Antonio [illegible] di [illegible] ricevuto ad impetito della comune madre [illegible] concludentissimo argomento [illegible] più che [illegible] di livelli e questo si conferma ancora con la disposizione [illegible] perchè sempre si presume che un debitore [illegible] denari li [illegible] quelli che deve, et che un creditore [illegible] non [illegible] ad impetito quando [illegible]

Non [illegible] è anco la dimanda del L. [illegible] che admesso il ritratto di [illegible] [paumi] aperto dalla comune madre à conto della madre [illegible] il medesimo [illegible] che [illegible] [illegible] non havendo [illegible] à piena conseguire il credito [illegible] nell' [illegible] accettata col beneficio della legge et inventari [illegible] il L. Filippo [illegible] di poter [illegible] quelli beni non solo [illegible] ma anco [illegible] il [illegible] quando [illegible] tutta la [illegible] il L. Filippo [illegible] i beni, ma [illegible] il primo [illegible] beni [illegible] anco [illegible] alle mani di anteriori creditori [illegible] [illegible] però [illegible] il L. Filippo [illegible] il credito [illegible] e [illegible] i beni, onde tanto maggiormente lo deve [illegible] ritentionis [illegible] [illegible] quando [illegible] beni fossero [illegible] ad altri creditori, et [illegible] [illegible] Antonio [illegible] il L. Filippo [illegible] il L. [illegible] del suo credito [illegible] che [illegible] et si [illegible] di volerli [illegible] credito, come [illegible].

[illegible] pretensioni [illegible] alla [illegible] dell' heredità materna [illegible]

Per [illegible] Hanno li [illegible] diverse difficoltà nell'ammissione di beni per il loro credito, perchè [illegible] loro più [illegible] non [illegible] in questo paese [illegible] delle [illegible] delli livelli. All'incontro li [illegible] [illegible] [illegible] la maggior parte del [illegible] con beni [illegible] che [illegible] di [illegible] questa [illegible] si vede [illegible] nell' [illegible] [illegible] [illegible] et [illegible] sui crediti habere. [illegible] perchè li [illegible] à principio [illegible] [illegible] [illegible] della [illegible] [illegible] et questo [illegible] [illegible] le debite [illegible] [illegible] Maggio [illegible] che [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Maggio [illegible]

[Margin:] Per [illegible] trovano [illegible]

[Margin:] [illegible] il [illegible]

96.

fi instanza che dettasse elegere [illegible] . et però il [illegible] parrebbe [illegible] e [illegible] che
la [illegible] pudesse non [illegible] il terreno di M. Benedetto [illegible] il quale nello [illegible]
[illegible] [illegible] dato, ne mostrava di fare alcun capitale [illegible] [illegible]
le [illegible] [illegible] nell'atto 28. [illegible] [illegible] [illegible] non [illegible] di essere
[illegible] che apprende [illegible] [illegible] . [illegible] [illegible] nominano per loro
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
di [illegible] [illegible] : [illegible] [illegible] la causa [illegible] qua [illegible] [illegible] [illegible]
mente [illegible] [illegible] atteso che non [illegible] [illegible] ne [illegible] [illegible] [illegible]
ne' processi [illegible] [illegible] parte [illegible] la [illegible], o nominar [illegible], et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] più volte fatto [illegible] . et [illegible] quando [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] à 4 [illegible]
[illegible] 60. perche l'intimatione [illegible] [illegible] non [illegible] [illegible] atteso che
[illegible] [illegible] [illegible] et dall'ora [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] troppo [illegible] [illegible] [illegible] [illegible] essendo
[illegible] [illegible] [illegible] [illegible] [illegible] di due mille [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] — [illegible] [illegible] [illegible] habuit Cordone [illegible] a [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] favorem Cordonis familiis [illegible] [illegible] illud Cordone [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] remedio [illegible]
[illegible] [illegible], [illegible] necessarie [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] illius favorem
[illegible] [illegible] quod [illegible] [illegible] Cordone familiis [illegible] [illegible] [illegible]
quia nemo etiam recordatur quod [illegible] [illegible] [illegible] [illegible], et nihilominus
quia [illegible] [illegible] [illegible] [illegible] [illegible] nullo etiam dubium
facere [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] est, [illegible]
[illegible] manere [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
est quod [illegible] [illegible] [illegible] sacramentis. quod [illegible] ad electionem [illegible]
[illegible] [illegible] quod Cordone familiis [illegible] nolo [illegible], [illegible] quod [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], [illegible] Cordone [illegible] [illegible] [illegible]
[illegible] quod [illegible] debeat [illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] debeat [illegible] [illegible] favorem Cordonis familiis, et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], quo [illegible] [illegible]

Per il Michele [illegible] [illegible]

S. Michele [illegible], et M. Francesca sua moglie sono in stato di manifestissima assolutione perche giurando ancor legitimamente contasse delle villanie opposte et all'incontro ancor S. Barbara non havesse ancor lei villaneggiato come dicono alcuni testimonij, questo caso pareria delitto mutua compensatione delle [illegible], essendo vero in fatto che [illegible] dove ~~[illegible]~~ successe il rumore [illegible] S. Michele, [illegible] S. Barbara invito [illegible] entrare in dentro et ~~[illegible]~~ ~~[illegible]~~ per fare [illegible] [illegible] et per [illegible] è cosa [illegible] dal [illegible] [illegible] iniuriez [illegible] S. Michaeli; per quella che tiene il [illegible] nella sua pratica d'iniurie n. 3. [illegible] che [illegible] [illegible] [illegible] causa [illegible] me [illegible] d'[illegible] iniuriam facere, et [illegible] [illegible] se in questo [illegible] ne segue la conclusione [illegible] dell'Angelo in [illegible] [illegible] [illegible] quod [illegible] dove dice quod [illegible] aliquando [illegible], [illegible] [illegible] [illegible] [illegible] provocari ad iram, et propter iram [illegible] mihi a te commotam, [illegible] [illegible] aliquid iniuriosi dixero [illegible] non teneor iniuriarum.

Che l'[illegible] fusse [illegible] di S. Michele ~~[illegible]~~ appare manifestamente per la [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] marito di S. Barbara [illegible] in processo, et se bene S. Barbara [illegible] [illegible] [illegible] della [illegible] [illegible] [illegible] [illegible] il [illegible], nondimeno dalla [illegible] [illegible] [illegible] appellatione [illegible] al tribunale dello [illegible] [illegible] [illegible] pende [illegible] [illegible] [illegible] [illegible] la qual appellatione [illegible] [illegible] [illegible] che non possino [illegible] ~~[illegible]~~

In questi termini dunque [illegible] [illegible] S. Barbara è quella che [illegible] [illegible] d'altri contra la [illegible] [illegible] [illegible] [illegible] [illegible] è [illegible] da patroni [illegible] iniurie, et [illegible] [illegible], onde [illegible] [illegible] ancora modestia) S. Michele di [illegible] [illegible] [illegible] con S. Barbara [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] essendo egli et la moglie di quella [illegible] che sono [illegible] [illegible] [illegible] qual [illegible] [illegible] [illegible] [illegible], et all'incontro S. Barbara [illegible] [illegible], et [illegible] che la [illegible] il proprio marito, oltre ad altre [illegible] [illegible] che [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

Per M. Bernardo Milisi.

Se bene io Bernardo Milisi poteva sentendo altro sperare il [illegible] dell'[illegible] sentendo questo cosi dire et a favore di S. Maria [illegible] à Bernardo [illegible] onde il mio autore l'anno 1562 contro il prete [illegible] p [illegible] 434 [illegible] dell'autore della mia [illegible] del l'anno 156[illegible] [illegible] anno [illegible] aveva compro p Reg. 153. che fanno de [illegible] venetiani L 6[illegible] onde saretbe la differentia de [illegible] L [illegible]. non dimeno [illegible] la mia buona fede [illegible] mi contento che sijno deputati dui [illegible] i quali [illegible] nel quale si ritrovava il tempo della vendita fatti del 62 [illegible] secondo l'informatione che detti [illegible] pigliaranno, et havendo anco riguardo al prello [illegible] [illegible] sublime con [illegible] a stimare [illegible] che [illegible] et secondo [illegible] stima [illegible] che il collegio come [illegible] si contentava de [illegible] più che se importarà la stima di quello che fu pagato dal mio autore. Et [illegible] [illegible] [illegible] qui et mi contento [illegible] à causa [illegible] [illegible] [illegible] [illegible].

Et non essendo stata mi [illegible] di fare a [illegible] lesione

venatti [illegible] che [illegible] della [illegible] della [illegible] [illegible] il [illegible] che sono [illegible] [illegible] del prete

Et [illegible] [illegible] il prete [illegible] [illegible] [illegible] [illegible] che più piacerà alla mia [illegible] nella [illegible] della [illegible] [illegible]

Pro R. Bernardo et R. Paulonio [illegible]

Nullitas appositam [illegible] R. Paulonius [illegible] admodum R. Capituli [illegible] [illegible] admodum R. D. Pasii Bernardi [illegible] [illegible] [illegible] 18. Janii proxime praeteriti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] nullo modo [illegible] recedere [illegible] [illegible] appellationem. cum enim ambo [illegible] in [illegible] de [illegible] [illegible] R. Bernardi, et negata [illegible] R. Paulonio [illegible] in [illegible]. quod autem in [illegible] [illegible] capitulo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] R. Capituli [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] R. Paulonius [illegible] admodum R. D. Pasii [illegible] tempori [illegible] [illegible] ad quam se refert sub 1598. 14 Martii [illegible] R. D. Pasius. [illegible] [illegible] [illegible] [illegible] R. D. Pasio sub die 18 Maii 1598. [illegible] R. [illegible] sub die [illegible] [illegible] [illegible] nam propter [illegible] [illegible] [illegible] [illegible] menses ambo [illegible] [illegible] [illegible] [illegible] et Camparii, et Thesaurarii, [illegible] [illegible] [illegible]

ut respectu pensionis sancte gratis domino R. d. Canis L 94 [illegible] ut cum [illegible] D. Dionysii respectu vero pensionis thesaurarii gratis domino L 384 [illegible] [illegible] cessit R. Pippi. et in illis idipsis pensionis [illegible] in [illegible] L [illegible] intendit [illegible] Canis respiciebat. [illegible] hoc [illegible] parten [illegible] non [illegible]. Non [illegible] dum dicit quod ipse [illegible] pensionis quia hoc non [illegible] R. d. Canis, siquidem utrique [illegible] obligationis [illegible] licet [illegible] in [illegible]: [illegible] debere prius [illegible], quia R. d. Canis [illegible] gaudere.

[illegible] in [illegible] R. d. Canis [illegible] capitulis [illegible] R. Pippi [illegible] in [illegible] [illegible] nullis vel saltem [illegible] appellare R. Paulonio [illegible] D. Cas. [illegible].

Pro R. Plebano Cormoni [illegible] cum R. Vic. eiusdem Ecclesie. Alleg. — Iustissime conveniunt admodum R. d. Plebanus Cormoni ut iuris mediis compellat R. Cirilinus ad dimittendam curam, et desistendi a [illegible] vicariam [illegible] de [illegible] usurpatus: Nam tantum abest ut ipse [illegible] vicarius in eius Ecclesia valeat habere [illegible], ut immo nec [illegible] consensu, [illegible] habens parochiale Ecclesiam tenetur [illegible] non [illegible] pena privationis. c. extirpandi. §. qui vero. de preben. et dig.

[illegible] ultime conveniunt admodum R. d. Plebanus Cormoni ut iuris mediis compellat R. Cirilinus ad dimittendam curam, et desistendi a [illegible] vicariatum relaxatione [illegible] Parochialis Ecclesie S. Adalberti Cormoni usurpatus. Nam tantum abest, ut ipse [illegible] vicarius in eius Ecclesia possit habere [illegible], ut immo nec eius accedente consensu, [illegible] legitima causa, siquidem habens parochialem Ecclesiam tenetur personaliter illi deservire cum [illegible] industria, et non autem vicarium constituere [illegible] sub pena privationis c. extirpandi. §. qui vero. de preben. [illegible] causa legitima constituendi vicarium, ille debet institui a [illegible] de [illegible] [illegible] parochianis. c. [illegible] de off. vica. et habet [illegible] c. extirpandi. §. qui vero. [illegible]. [illegible] dum R. Cirilinus dicit se fuisse ad [illegible] Cormoni [illegible] et [illegible] d. Patriarcha, ut de electione, et confirmatione [illegible] fl. 65. et 66. quia Communitas Cormoni non habet illud allegatum ius patronatus [illegible] titulo [illegible] nullibi apparet, neque [illegible] presumptive [illegible] in [illegible] id [illegible] ex usurpatione [illegible] presumi solet vel etiam immemorabilis [illegible] non [illegible], quam [illegible] ad eam necessaria [illegible] etiam [illegible] non [illegible] quam [illegible] spatio, quod [illegible] effectum [illegible] [illegible] probanum. [illegible] Tridentin. Concil. sess. 25. cap. 9. de reform. [illegible] nullum [illegible]

examen ad conspectum de immemorabili, quod probitur [illegible] testes asserentes se vidisse semper sic fieri, et nunquam vidisse contrarium [illegible], et a senioribus et maioribus audivisse id ita fuisse, nec unquam audivisse contrarium ab illis, atque hinc esse rei publicam esse famam, et opinionem apud eos, qui rei cognitionem habent. Nam in spite. 4. lib. decret. ord. partis relat. [illegible] n. 7.

nullus etiam prodierit in medium [illegible] praesentationes [illegible] ad personam adversarii [illegible] communi praesentatione cum non [illegible] ita quod absque ea [illegible] non posset [illegible] quia contigit. de relig. domi.

Nec relevare [illegible] quod [illegible] productis [illegible] patet quod usque de anno 1470. in [illegible] Capitulum Communi [illegible] Plebanus, et [illegible] cum eodem fere tempore [illegible] [illegible] Plebani Communi [illegible] [illegible], [illegible] [illegible] [illegible] temporis [illegible] [illegible] probare [illegible] ad [illegible] in l. cum aliquis. [illegible] de iur. delibe. quia [illegible] [illegible] [illegible] [illegible] praesentatione Communis [illegible] [illegible] [illegible] [illegible] incommunis [illegible] [illegible] [illegible] [illegible] debet quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible].

Sed supponamus extitisse [illegible] praesentationes [illegible] in institutione [illegible] Patriarchae de annis 1525. 1555. 1558. [illegible] [illegible] [illegible] fuerint [illegible] effectus [illegible] [illegible] [illegible] [illegible] dispositionem [illegible] [illegible] [illegible] et ex aliis [illegible] productis [illegible] Plebani [illegible] 80. [illegible] apparet [illegible] 1558 [illegible] praesentationem de anno 1558 fuisse factam [illegible] Communi [illegible] [illegible] [illegible] [illegible] [illegible] eodem [illegible] [illegible] [illegible] et ab eodem [illegible] [illegible] fuisse [illegible] institutionem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] praesentationem [illegible] [illegible] [illegible] facit mentionem de de anno 1558. confirmatam fuisse ab [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] omnia quae [illegible] Plebanus in [illegible] [illegible] [illegible] [illegible] [illegible] aperte negavit ullam unquam [illegible] factam fuisse [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] contrarium probare [illegible] [illegible] institutiones [illegible] [illegible] ad [illegible] [illegible] praesentationes [illegible] nec Communi et confirmationes [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] c. fin. de [illegible] et c. [illegible] et c. [illegible] de [illegible] [illegible] [illegible] laicus non [illegible] Beneficia [illegible] [illegible] [illegible] tempore [illegible] [illegible] memoria [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Pontificis Privilegio [illegible] [illegible] [illegible] bezeff [illegible] de colle. n. 9. [illegible] praesentationes [illegible] [illegible] [illegible] [illegible] [illegible] probaverint et continuata [illegible] [illegible] 50. annos ad institutionem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] decreto de praesentationibus continuatis loquens debet intelligi de praesentationibus legitimis, et [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] loquens [illegible] intelligitur de [illegible] [illegible] et legitima [illegible] condemnat [illegible] de re [illegible] et [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] non legitime. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] institutiones nullum [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] prodesse [illegible] institutiones praesentationes [illegible] Communitas [illegible] in [illegible] praesentatione [illegible] [illegible] [illegible] Patriarchae.

[Margin:] cum non [illegible] [illegible] [illegible] [illegible] Communi praesentationis [illegible], et [illegible] de praesentatione

[Margin:] [illegible] et Clerici qui institutionem [illegible] [illegible] communione [illegible] [illegible] [illegible] de iur. [illegible]

[Margin:] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 50. [illegible]

[Margin:] [illegible] institutione et confirmatione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Non obstat modo D. Ab. Cisilinus dicere saltim quoad hanc personam tolerandam esse [iuri]
institutionem per c. consultationis de iur. pat. ubi habetur quod praesentans, alias
aut in quasi possessione praesentandi bona fide amoveri non debet etiam si deinde constet
patronum illum vere non esse patronum quia cum praesumatur quidam fructus iuris patronatus
quemadmodum fructus rei materialis pertinent ad possessorem bonae fidei, nec illos consumptos
teneatur restituere, ita praesentationem et institutionem ipse fructus iuris patronatus eodem
consumptus, unde institutus non debet removeri [illegible] in d. c. consultationis nec
quia [illegible] aperte negatur ex parte [illegible] concurrere bonam fidem cum quasi
possessionem, quae tamen fundamentum [illegible] contrariae propositionis. Nam ius patronatus
acquiritur fundatione, dotatione, vel constructione [illegible] considerandum ib. q. 7. c. nobis
de iur. patro: [illegible] Universitas Carmoni [illegible] dotavit, nec construxisse [illegible] resultet ius pa-
tronatus ad Plebaniam [illegible] ad [illegible]. Praeterea [illegible] in claris quod reddit[illegible] percipi
[illegible] spectant ad Collegiatam Carmoni, et in illius [illegible] fuerunt [illegible]
et applicatione [illegible] deponunt testes [illegible] Ab. Plebani producti fol. [illegible]
nempe p. fol. 30. 2. fol. 31. 3. fol. 32. et fol. 33. [illegible] fol. 33. et reddentes rationem
[illegible], che quando qualche [illegible] non [illegible] il Camerario della Chiesa
[illegible] Ac supponunt etiam [illegible] Capitulum [illegible] Universitatis Carmoni fol. [illegible]
dum [illegible] quod redditus [illegible] exigantur [illegible] et nullo [illegible]
responsivo ipsius Universitatis fol. 20. [illegible] che fusse alcuna cosa [illegible]
[illegible] della Chiesa, et [illegible] Camerario [illegible]
[illegible] Universitatis, [illegible] quia
spectant de iure ad Plebanum. Comprobantur [illegible] omnia argumenta [illegible]; nam
dum [illegible] Petrus [illegible] fuit in possessionem Parochialis Ecclesiae
S. Adalberti, [illegible] Universitate [illegible]
et [illegible] ad D. Plebem, qui omnes [illegible] D. Plebem Carmoni exigere [illegible]
[illegible], [illegible], [illegible]
[illegible] fol. 12. [illegible] igitur [illegible] Plebani nullas exigere
Carmoni decimas praediales, nec personales, nec alios redditus, debet consequenter necessario
ut illa utrisque fuerint [illegible] et [illegible] et licet [illegible] nonnullis contracti-
[illegible] fol. 20. quidam confirmasset [illegible] tamen [illegible], quod non probatur, et [illegible]
[illegible] ad confirmandum [illegible] ad [illegible] Carmoni, et [illegible]
[illegible] fol. 46, et 44.

Non proficit etiam dicere Universitatem Carmoni esse in quasi possessione praesentandi, quia
quasi possessio iuris praesentandi non acquiritur nisi subsequuta institutione superioris. [illegible]
[illegible] de iure [illegible] ad [illegible]
[illegible] de Elect. [illegible] 6. [illegible] unde nihil [illegible]
[illegible] institutio superioris [illegible] ea quae etiam supra [illegible] sunt.

T quod de iure spectant ad ple banum. c. cum non [illegible] de dec. in fin:

Nec relevat confirmatio moderna, quia licet per hanc confirmationem [illegible] acquireretur possessio, et sic de eadem reciperet praesentationes a communi factas quod possidentibus fiunt, tamen hoc praesentatio non fuit facta a possessoribus iuris praesentandi, quia hunc ad praesentandum [illegible] in possessione. innoc. in c. 2. de resti. in integr. [illegible] in fin.

Et illa praesentatio facta [illegible] fuit etiam surreptitia, dum ostenderes ([illegible]) illas praesentationes tamquam nulla necdum facienda de institutionibus factis a superiore [illegible]; quae quidem surreptio vitiat in totum confirmationem [illegible] ut nullo in ea fieri fundamento possit: haec surreptio enim dolosa [illegible] in totum privilegia, et literas [illegible], et enim [illegible] literas continuisses multo magis [illegible], quia surreptio magis inficit gratiam quam descriptio in literis. [illegible] de literis. [illegible]

Non potest etiam [illegible] Cermoni praetendere ius [illegible] praesumptione acquisitum, quia [illegible] praesens prior sine possessione non [illegible] l. [illegible] [illegible] l. [illegible] et quasi possessio iuris praesentandi non acquiritur nisi sequatur institutio superioris innoc. in c. 2. [illegible] in integr. resti. [illegible] [illegible] nec obstat [illegible] [illegible] quia ad laicum non spectabat institutio, sed ad [illegible] c. [illegible] [illegible] de [illegible], et hinc est quod postea habilis fuit [illegible] ad [illegible] de Patrinum pro institutione [illegible] quo [illegible] ad [illegible] [illegible] [illegible]

~~Praedictis igitur [illegible] non potest [illegible] Cermoni praetendere [illegible] quasi [illegible] praesentandi, [illegible]~~ Ex praedictis igitur [illegible] manifeste [illegible] Cermoni [illegible] habere [illegible] possessionem [illegible], unde quamadmodum a [illegible] possessio in possessione praesentandi [illegible] non debere removeri ad praesentationem [illegible] [illegible] c. [illegible] de [illegible] [illegible] ratione [illegible] quod [illegible] [illegible] [illegible] praesentans remanet in possessione non potuit [illegible] facere [illegible]; unde quemadmodum [illegible] possessionem alterius tenet restituere omnes fructus c. non licet. [illegible] [illegible] [illegible] fructus praesentationis [illegible] [illegible] per remotionem instituti [illegible] in d. [illegible]

Praedicta autem a fortiori militant in nostra facti specie, in qua non agitur de electione quemdam post aliquando [illegible] [illegible] pertinet ad parochianos, sed de [illegible] quia non potest [illegible] nisi ab ipso Rectore de consensu ordinarii, et [illegible] [illegible] non debeat [illegible] c. ad hoc de [illegible] [illegible]. [illegible] de [illegible] ut est apparentia [illegible] et [illegible] [illegible], [illegible] parochianis, quae in hac parte [illegible] consilium dum proprio pastori [illegible] mercenarium, ad quem non pertinet de [illegible] [illegible] [illegible] ad quem de iure [illegible], [illegible] manifestum est ex decreto [illegible] cap. [illegible]

Tunc forsan [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible]

quibus [illegible] compelli [illegible] debet [illegible] ~~[illegible]~~, et [illegible] [illegible] a parocho vicariam [illegible] dimittendam curam [illegible] personalis et [illegible] ipso incumbere [illegible] [illegible] legitimatione bona [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] habet ipsa ius patronatus, nec [illegible] in [illegible] [illegible] [illegible] bona [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible]

[illegible] [illegible] [illegible] w [illegible] [illegible]

[illegible] [illegible] [illegible] habuit nob. d. [illegible] [illegible] [illegible] in [illegible] nob. d. [illegible] [illegible] a [illegible] [illegible] d. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] anno [illegible] d. [illegible]

[illegible] d. Bernardo [illegible] w d. Leonardo [illegible]

Allegat.

[illegible] [illegible] [illegible] [illegible] anno 1551. 6. Maii [illegible] della [illegible] vendidit [illegible] Andreae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 40. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] della [illegible] [illegible] [illegible] [illegible] Andream [illegible] [illegible] [illegible] [illegible] presbitero Andrea [illegible] [illegible] [illegible] de [illegible] loco [illegible] [illegible] [illegible] de anno 1561. 23. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] della [illegible] [illegible] de [illegible] [illegible] della [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] della [illegible] [illegible] [illegible] [illegible] della [illegible] [illegible] [illegible] [illegible] [illegible] della [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Anno postea 1562. 8. Junij Cl.mo Dr. presbiter Andreas pretio d.rs 20. vendidit S.
Andreae Miessi ipsum pratum della Plan, quod ipse acquisierat cum Dagnerasti 50. et
alterius cum permutatione prati della Rosa ut fol. 4. 2.

Item fuit Dr. presbiter Andreas a. Maria Bassiana in processu Admi acerte
[illegible] ipsius, et uxor S. Leonardi Tirodi de Donabi de anno 1558 pretendens ipsa
Dr. auctorem suum fuisse enormiter laesum in venditione Prati del Plan ex eo, quod
nulla praecedente legitima aut cognitione, aut descriptione decretum fecit a. S. Gubernatore
Modii duos estimatores ad estimandum prati del Plan, qui cum reddidissent ipsum esse valoris
d.rs 69. ut fol. 1. et fol. 3. statim [illegible] in Judicium S. Hernandum Miessium in
praesens [illegible] cum commercium filii D. S. Andreae emptoris, et prati del Plan
possessorem, et [illegible] narratione, quod Dr. presbiter Andreas vendidit pratum
del plan pretio d. 20. quod esset valoris d. 69, ut ex estimatione Lapidariis [illegible]
petijt contractum rescindi, atque esse sine primo judicio ad favorem Admis cum decla-
ravit contractum [illegible] contineretur enormissimam laesionem regulari esse et consequenter Mies-
sium condemnandum ad supplendum iustum pretium et debita interesse, cum expensis. A qua sen-
tentia fuit interpositum appellatio, a nunc iustitiam declarari male judicatum, et bene appellatum.

Item quamvis etiam allegata laesio vera esset, persum esse venditionem non posset cogi nisi vel ad
supplendum iustum pretium, vel ad restituendum rem retento pretio. L. 2. C. de rescind. vend. quinimo
venditor tandem desiderit agere donec res, ex sollicitudine emptoris res sit longe melior
effecta, prout in casu nostro evenit, in quo sunt melioramenta magni valoris, tunc non
poterit agere nisi offerat sumptus, et pretium operarum. ut ff. [illegible] l. [illegible] utile. 8. Venden-
tibus Bal. in L. 2. C. de rescind. vend. nu. 23. et quando agens esset ad supplendum iustum pretium
ipsum non debet fieri cum interesse ad [illegible] [illegible]. C[illegible]. [illegible] lib. 2 cap. 2. n. 9.
Sed videt esse in casu nostro quomodo constat de ipsa allegata laesione, et praemittendum esse quod
receptissima est legislatoris sententia quod iustum rei valor inspici debet tempore contractus prout
ubi agitur de consequenda laesione tex. est in l. si voluntate in prin. ibi cuius pretii quod fuerat
tempore venditionis. C. de rescind. vend. et in c. ad eam[illegible]. et c. [illegible] de emp.
et vend. [illegible] in c. in civitate. n. 3. col. de usu. Corne. [illegible] ut [illegible] fol. 4. Angel.
q. 13. n. 1. Alex. [illegible] q. 16. n. 3. vol. 2. Franc. in q. 151. n. 7. et q. 188. n. 4.
Paris. q. 128. n. 35. [illegible] [illegible] q. [illegible] [illegible] n. [illegible] ~~[illegible] q. 13. vol. 3. n. 9.~~

Et inde verum est ut etiam [illegible] de causa laesionis ipse tenet probare laesionem
de tempore contractus, nec restituit ex laesione superveniente. ut [illegible] in q. 1. lit. de
rez. per mn. quem refert, et sequitur Franc. in d. q. 188. n. 8. ~~[illegible]~~
Et propterea consistere debet estimationibus status rei tempore venditionis, quia illud tempus
estimatio facienda est. Alex. in q. 13. vol. 3. n. 19. in casu ~~[illegible]~~ praesenti probatur
de estimatione rei venditae de anno [illegible] et de praedia Admis cum [illegible]. et estimatio
ipsa ~~[illegible]~~ deputata Admi [illegible] non permanendo, [illegible] deputati simpliciter ad estima-
ut patet [illegible] deputatione fol. 1. et quod etiam estimatores estimatione [illegible] retinere
tempus estimationis, non autem venditionis patet ex ipsa expressione, et praemittit

Traj. in casu nostro illum
probatur reliqui [illegible], qui
[illegible] Admi in libello [illegible]
prati tunc tempore venditionis
et in quem in praesens valuisse, et
fu. valere d. 69
fut.
[illegible]
[illegible]

[illegible]

Tquid tamen non [illegible] aestimationes

aestimationis fol. 4. dum simpliciter dicit se aestimare, [illegible] apparere, unde conclusive non est probatum, [illegible] non [illegible] deinde, sed nec etiam [illegible] intentionem [illegible], quod in suo libello [illegible] dispositionem [illegible] deduxit praedia [illegible] tempore venditionis, quam de praesenti fuisse et esse valoris [illegible] 269 ut fol. [illegible] ibi dicit [illegible]. Et tanto minus est probatum [illegible] quod [illegible] in [illegible] 40. annos, quantum scilicet [illegible] intercessit à die venditionis usque ad diem aestimationis [illegible] tempore [illegible] praedia [illegible]. [illegible] accedit quod aestimatoribus debebat prius deferri iuramentum de aestimatione [illegible] et [illegible] Mascard. de prob. conclu. 653. quod nec etiam factum fuit. [illegible] D. Bernardus [illegible] est in [illegible] manifestissimo [illegible] qui [illegible] non probante [illegible] reus absolvitur, quod adeo verum est ut etiam si reus assumpserit in se sponte et expresse onus probandi et non probaverit, non tamen debet condemnari nisi actor probaverit intentionem suam. [illegible] qui accusare [illegible] de edendo et [illegible] in [illegible] ancor. [illegible] et ubi [illegible] facit plenum praeiudicium [illegible] probatio [illegible] in [illegible] de prob. [illegible] in l. iff. [illegible] 45. et tanto magis est in casu [illegible] ratione quod [illegible] [illegible] adversarius [illegible] vendidit quanti emit, acquisivit [illegible] praedia del [illegible] pretio [illegible] 50. [illegible] della [illegible] fol. [illegible] quod praedia della [illegible] prius fuerat venditum pretio [illegible] 53 ut fol. [illegible] quod etiam in praesens plus non valet ut probatum fuit per testes [illegible] [illegible] fol. [illegible] et hic in [illegible] pretio [illegible] 103. qui [illegible] et [illegible] subsequenti tempore [illegible] vendidit pretio [illegible] 50 ut fol. 4 qui [illegible] L 484. unde [illegible] esse in [illegible] condemnationem [illegible] non [illegible] ratione quod [illegible] iure [illegible], vendidit [illegible] redimendi quod pars pretii censetur [illegible] de [illegible] ut [illegible] dicant quod simpliciter valent [illegible] 50. tantum valere [illegible] pacto de retrovendendo [illegible] de [illegible] in [illegible] lib. 1. [illegible] cap. [illegible]

[illegible] tamen omnibus non [illegible] D. Bernardus [illegible] ostendens [illegible] suam [illegible] [illegible] supplendo [illegible] quod [illegible] pretio [illegible] deventum ad aestimationem [illegible] faciendam à peritis [illegible] à partibus eligendis, vel à iustitia deputandis habita ratione ad [illegible] tempore venditionis [illegible] pretium [illegible] [illegible] certe est [illegible] quia aestimatio facta fuit [illegible] non habita illa ratione, et [illegible] ut [illegible] D. Bernardus quippe qui nec [illegible] fuit aut [illegible] videri deputari, sed [illegible] fuit [illegible] deputati [illegible] et [illegible] imperitus [illegible] excessisse verum valorem rei vel [illegible] quod etiam in [illegible] modo [illegible]. [illegible] [illegible] quod [illegible] et ad praeferendam [illegible] et [illegible] praedictam aestimationem [illegible] 269 [illegible] quia [illegible] aestimatio debet fieri habita ratione ad tempus contractus [illegible] de [illegible] [illegible] quod quando non est [illegible] tempore contractus, [illegible] valoris [illegible] non

compensatio. et not. Capit. i. l. 2. C. de rescind. vend. vo. [illegible] ubi concludit pro quadam Cardinalem, qui a Principe recepit molendinum in [illegible] pro pensione annua [illegible] quo tempore [illegible] effectu erat valoris annui [illegible] [illegible] tantum, et Princeps volebat concessionem rescindere, quia non competit ius Principi invocandi rescissionem contractus [illegible] conditione.

Quibus stantibus declarari debet male iudicatum per [illegible] Bernardi [illegible] et bene per D. Bernardo appellatum ex illius declaratione, quod [illegible] iuri conforme est quam petitionem d. [illegible] dum in eius libello expresse deducat [illegible] tempore [illegible] quam in presens valere [illegible] et valere [illegible] : [illegible] tamen [illegible] [illegible] [illegible]

[illegible]

R. P. D. Salamone Villa Bruna electo Canonico Feltren. — cum [illegible] libellus

Super pronuntiando causam habuit R. D. Salamon Villabruna I. V. D. electus Canonicus in Cathedrali Feltren. [illegible] expeditione [illegible] litteris. [illegible] ad cuius electus de iure [illegible] ad petendam confirmationem [illegible] [illegible] electio [illegible] [illegible] [illegible] in se [illegible] [illegible] [illegible] [illegible] electionis de se facte et confirmationis petite [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] malam [illegible] [illegible] [illegible] accedit quod interim [illegible] [illegible] [illegible] [illegible] [illegible] in Ecclesia et illud [illegible] [illegible] [illegible] irreparabile [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellans, et [illegible] quod procedunt ad ulteriora in [illegible] principali [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellationem, et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] R. D. Salamone Villabruna I. V. D. et electo [illegible] in Cathedrali Feltren. [illegible] D. Ioanne [illegible] [illegible] [illegible] [illegible] Feltren. ac aliis quibuscumque [illegible] [illegible] [illegible] [illegible] [illegible] libello appellatorio [illegible] [illegible] et quod R. P. D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

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Appo interposito

Cum appellatio auxilium commune sit, et vera defensio, ut ab omni eius generis modo praeiudicato, et nemine gravamen interponi possit, et interponatur. propterea D. N. cum in nostro tempore [illegible] ut [illegible] et [illegible] iudicialis, et [illegible] iudicialis non possit tamen [illegible] expeditionem scilicet, responsionem, et iustitiam sibi ministrari [illegible] instruendi, et [illegible] effectu [illegible] tempore [illegible] expeditio [illegible] nuper [illegible] cum [illegible] causa et [illegible] in [illegible] in alia ad negotio, absque denegatione, retardatione, [illegible] expeditione, [illegible] omnibus [illegible] in, nec modo, et [illegible] melius, [illegible] deffectus fieri posset, et [illegible] in [illegible] procedere, et appellat ad SS^mum. D. Nostrum [illegible] commune, et ad quemcumque [illegible] quem de iure melius appellare posset et ad quem praesens appellatio melius devolvitur [illegible] procedens [illegible] [illegible] ad [illegible] et de revocatione, reductione [illegible] sibi [illegible] competentia, et competitura [illegible] instanter [illegible] et [illegible] [illegible] et [illegible] ad quibus [illegible] iudice competenti praesentis appellationis protestans [illegible] non [illegible] nec [illegible] quorumcumque ipsos Apostolos recipiat [illegible]

Per il S. Giacomo Frazzane

Havendo [illegible] dal S. Giacomo Frazzane la nuova domanda del [illegible] contraria alla prima, nella quale vuole che noi facciamo [illegible] nello [illegible] del 74 [illegible] che [illegible] nostro padre nell'instromento di compra celebrato col S. Massimo Frazzane di un pezzo di terra [illegible] in [illegible] questo anno, et [illegible] che l'instromento per noi prodotto di permuta [illegible] di quella domanda sia [illegible] con [illegible] delle parti [illegible] et come nella [illegible] domanda prima di ogni [illegible] rispondendo [illegible] la [illegible] ma [illegible] che non [illegible] alcuna ragione [illegible] anco in questa domanda perche non si [illegible] per [illegible] delle [illegible] per interpretatione [illegible] la permuta [illegible] sopra di questa censura et il volere dire [illegible] la permuta se ben batteggiata [illegible] questo [illegible] pura vendita e una [illegible] perche ~~[illegible]~~ chiara cosa è che il S. Giacomo nostro padre [illegible] padrone del pezzo di terra [illegible] in [illegible] l'anno 1574 [illegible] de' prodotti et d'allora [illegible] come [illegible] onde [illegible] di [illegible] a modo suo, ne si deve [illegible] il [illegible] col quale fu [illegible] comprato ma solo [illegible] la terra, perche a questo [illegible] non sarebbe lecito mai ad uno vendere a maggior prezzo una cosa comprata [illegible] avere, et [illegible] ~~anco il [illegible]~~ et [illegible] per [illegible] e stabilito [illegible] in pendenza che non si tiene [illegible] domandiamo dunque d'esser assolti da questa nuova domanda [illegible] ragione alcuna la permuta fatta [illegible] in [illegible] ~~[illegible]~~ [illegible]

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Pro R. D. Salamone Villabruna

Tituli Felthen.

Adest.

R. D. Salamon Villabruna I. V. D. electus fuit à Cap.lo Feltren. cui id ius competit, ad providendam et pulsandam ind. titulis vacantem p[er] obitum R. D. Hieronimi Fellici.

Plures instantias fecit coram Ill.mo Epo pro sua institutione, et extrajudiciales, sed nunquam potuit obtinere terminum iustitiae, videlicet expeditionem, quod in re quamvis improperatum nimis praeconcepto, coloratas semper dilatum fuit, et postremo post intervallum decem mensium ut dicitur demum repetitis Eppi... Ill.mo D. Epo... die 7 Maij... Respondit se habere negotio hoc attentam illius particulae relationis consideratione, animo postea decernendi prout de iure, et pro temporis tuleris. Regimine faciendi vicem suam. A qua dilatione R. Villabruna appellationem interposuit ad Ill.mum Metropolitanum; sed nec etiam appellatio admissa fuit, et non exhibitio interposita coram iudice, tum quia quandam appellatio ab interlocutoria nullum inferens gravamen ultimum tale quod possit reparari p[er] diffinitivam: quoniam ea non dederat, et misisset nil procurato titulis ad providend. de iure, cum nentis mensibus qua tunc nec in praesens ullum responsum dari intendit, sed in actibus de negotio iudicandi. A impertinentia, et causis facile videntur. in dies dum sit an pluralitate illius... sine remedio appellationis, ut quemadmodum ab altera illius respectu legitime potuit procedere appellat. ad actum postea. tamen resolvendam affirmative in favorem appellantis. nam de iure electus habet tres menses ad petend. confirmationem, et postea quantum... in te esse ut iterum obtineat, alias electio nullius evacuata. ... de elect. in VI. ... in Glo. in formatione casus in fin. hic autem postea non potest fallisse quantum ... sequitur quod, post intervallum decem mensium ad dicti potuisse pro remedio appellationis ad Ill.mum Metropolitanum et negligentiam ... maliciam ... unde ... electionis evacuationem, et propterea ... gravamine non fuit appellandum.

His accedit quod pendente institutione ... Hinc exhibitiones quod diversas gratias procurandi, et titulis inanis facere reddenda: et istud gravamen ut patet ad sensum esse irreparabile, qualiscumque confirmatione non reintegratur ad ... distributiones temporis, et canonicis ... acquisitis, unde fundamentum quod facit procurator tituli in decreto ... coram ipso ... et dicit appellationem esse tantum ab interlocutoria, quae gravamen ut apparet est irreparabile. Cum autem ... ratione ... de iure Canonico à quolibet modico gravamine possit appellari c. de appellatione et ibi Gl. in appellat. et quod semper in dubio appellatio est deferenda ...

Nec ... ratione ... quod appellatio non fuerit interposita coram iudice, quoniam ... coram iudice procedit solum in diffinitiva, quia pro ab interlocutoria potest appellari etiam postquam ... et inconsequenter in actis ut ... Glo. in l. 2. ff. de appella. ...

n Sane [illegible] [illegible] inclinare debet Ill.mo D. Iud. etiam [illegible] [illegible] tribunalis [illegible] inde [illegible] [illegible] quantum [illegible] eiusdem declarando, an [illegible] appellationem [illegible], atq. legitimam transferre [illegible] [illegible], ~~c. ut debitis~~, nam [illegible] legitimo appellationis ab [illegible] [illegible] [illegible] effect. inde [illegible] c. ut debitis de appella. in [illegible] [illegible]. [illegible] [illegible] [illegible]. quod [illegible] declarare [illegible], [illegible] [illegible] [illegible] [illegible]. c. ut debitis [illegible] [illegible] declarari debet [illegible] [illegible] [illegible] appellationem, et deinde [illegible] procedendo ad [illegible] in [illegible] principali [illegible] [illegible] ad dicendum [illegible] [illegible] [illegible] praeparatorius [illegible]. quam practica docet Rota in [illegible]. c. [illegible] de appella. [illegible] [illegible] [illegible] [illegible]

Pro Mag.co Daniele Pina

[illegible] [illegible] [illegible] de Fabritio [illegible]

[illegible]

. materia [illegible]

Mag. Daniel Pina ex forma sententiae [illegible] [illegible] [illegible] [illegible]. quod campi in [illegible] extra portam [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] de corpore [illegible] in investitura 1492 [illegible] [illegible] fol. 6. [illegible] [illegible] quod ad renunciam. et [illegible] [illegible] de [illegible] [illegible]. [illegible] de [illegible] [illegible] investitur [illegible] ab Ill.mo [illegible] [illegible] de [illegible] [illegible] in loco [illegible] campi [illegible] [illegible] ~~[illegible]~~ confinantes ab [illegible] partim cum [illegible] [illegible], partim [illegible]. [illegible] Georgio de Castello, a meridie D. [illegible] Georgio de [illegible], ab [illegible] cum [illegible] Michaelis partim, partim [illegible] de [illegible], a septentrione via publica cum [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible]. [illegible] fol. 6.

et est animadvertendum quod [illegible] tempore investiturae [illegible] [illegible] in ~~[illegible]~~ [illegible] ~~[illegible]~~. [illegible] [illegible] [illegible] Bernardini partim ab [illegible] [illegible] de [illegible] [illegible] partim a D. Fabritio [illegible], et partim a [illegible] [illegible] [illegible] [illegible], [illegible] clare [illegible] [illegible] [illegible] [illegible] cap. [illegible] ad [illegible] inclusive fol. 3. [illegible] omnes campi [illegible] [illegible] [illegible] cap. [illegible] autem istis campis ad unum corpus ut [illegible] [illegible]. cap. [illegible] clare constat [illegible] [illegible] examinatis [illegible] [illegible] primum fol. 24. [illegible] fol. 27. [illegible] fol. 30. [illegible] quod [illegible] quattuor confinibus [illegible] in investitura [illegible] 1492 23. [illegible] fol. 6 [illegible] [illegible]. nam ab ortu solis in investitura confinabat cum D. Georgio de Castello [illegible] [illegible] [illegible] [illegible] cum campo [illegible] [illegible] de [illegible] [illegible], quieti dum ~~[illegible]~~ [illegible] [illegible] quod ibi campus erat alias [illegible] de castello, et [illegible] vocat [illegible] quelli di Castello. [illegible] [illegible] in investitura confinabat cum [illegible] Michaelis, nunc vero [illegible] [illegible] del [illegible] qui [illegible] Michaelis [illegible] [illegible] [illegible] cap. [illegible]. a septentrione in investitura confinabat cum via publica, et in praesens similiter a septentrione confinat cum via publica, ut [illegible] [illegible] cap. [illegible]. et sic in [illegible] confinibus [illegible], cum tamen [illegible] quod [illegible] in [illegible] non [illegible] ut [illegible] [illegible] [illegible] quod [illegible] confines [illegible] demonstrationes [illegible]. [illegible] [illegible] 50. n. [illegible] vol. [illegible] [illegible] [illegible] [illegible] sufficiunt ad probandam identitatem. [illegible] [illegible] [illegible] n. 30. vol. 3. [illegible] confines [illegible] [illegible] sufficit [illegible] [illegible] confines [illegible] [illegible] nisi contrarium probet. [illegible] [illegible] [illegible] 67. [illegible] n. 1. [illegible] [illegible].

[illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible]

[illegible] quia [illegible] [illegible] praesumitur [illegible] probet [illegible] [illegible] [illegible] [illegible] praesumitur corporis identitas. [illegible] [illegible] 70. n. 4 [illegible] [illegible] [illegible]

et latinè Peregr. in tract. de fideicom. artic. 44. n. 43. et seq.

2°. quia D. fabritius, et D. fortunatus [illegible] emerunt [acquisitis] ab illis del Dina, qui solvebant affictum fructus [illegible] Marci, ut documentatur sup. n. 2°. et 8°. capitulis

3°. quia [illegible] Moniales [illegible] Bernardini, et [illegible] Petri, sed similiter emerunt ab illis del Dina hos campos asserentes bonam fidem solvunt [illegible] fructus [illegible] Marci [illegible] affictus ut documentatur sup. 3°. 6°. et 9. capitulis [illegible]

4°. quia [illegible] illud corpus tenens dici [illegible] campos quinque non tamen [illegible] ad mensuram sed campi et sic conventio in investitura, quod nominat terrenum quinque camporum in circa. ut documentatur sup. 4. cap.

5°. quia illi del Dina auctores ad[illegible] ab [illegible] memoria nunquam in [illegible] legali alios campos possiderant ultra [illegible] tenent [illegible] et [illegible] Moniales [illegible] Bernardini, et [illegible] Petri pro quibus solvebant affictum fructus [illegible] Marci ut documentatur sup. 2.

6°. quia [illegible] officio [illegible] ad instantiam [illegible] Camerae fiscalis [illegible] sup. [illegible] confinibus bonorum [illegible] Marci [illegible] fol. 32. t. et 34.

7°. quia sumus in antiquis [illegible] nempe [illegible] centum annorum quo casu probatio per praesumptiones indicia, et coniecturas dicitur plena, et legitima probatio [illegible] de antiqui tempo. in 1ª parte. [illegible] tit. de [illegible] n. 33. et seq.

8°. quia agitur de confinibus quorum [illegible] non [illegible] probationes in dubio probantur per praesumptiones, coniecturas, vel indicia; et quod respectu [illegible] non probant singula [illegible], et probationes imperfectae coniunguntur ad faciendam plenam probationem ut latissime [illegible] Mascard. de prob. vol. 1. conclu. 397. per tot.

quando igitur [illegible] confinibus [illegible] in antiqua investitura [illegible] non [illegible] plena probatio [illegible] tamen [illegible], [illegible] aliis coniecturis in antiquis, et in materia confinium sufficere.

Non obstat modo quod D. Joannes [illegible] [illegible] depositus [illegible] ad [illegible] [illegible] referat post [illegible] ce[illegible] campos † fortunati [illegible] de [illegible] Marci, ut fol. 19.

1°. quia fuit depositus ad [illegible] † fortunati [illegible] [infra altera] parte. ut fol. 16. 2°. quia [illegible] sup. [illegible] del Dina [illegible] campos † fortunati [illegible] [illegible] nulla reddita ratione quare sic [illegible]. 3°. quia fuit mensuratus per † Petrum [illegible] qui [illegible] campi [illegible] [illegible] ut fol. 19. et sic [illegible]. 4°. quia [illegible] mensuratus [illegible] ut [illegible] campos [illegible] [illegible] nihil [illegible]. quia investitura antiqua [illegible] campos [illegible] ut fol. 6. [illegible] fol. 17. t. [illegible] ignoratur [illegible] mensura [illegible] [illegible] 4°. quia [illegible] relatione [illegible] fiscalem, [illegible] melius [illegible] [illegible] non [illegible] quod [illegible] † fortunati [illegible] Petro [illegible] [illegible] per † Petrum et [illegible] in [illegible]

† [illegible], ad [illegible], mensurandum, et [illegible] ad [illegible] [illegible] quando [illegible] [illegible] probari [illegible] campi in [illegible] fortunati [illegible] de corpore [illegible] in investitura [illegible] 97. n. [illegible] [illegible] [illegible]

Pro nob. D. Ioanne del Meshe de Cormons ~~et vide~~.

Dispensationis matrimonialis.

Ioannes Baptista, et Alba Rosa del Meshi nobb. Cormonenses duplici, secundo, et tertio consanguinitatis gradu, à communi stipite provenientes, invicem coniuncti dispensationem obtinuerunt à Sede Apostolica contrahendi matrimonium ob sedandas lites, quae a diu inter consanguineos utriusque partis facile oriri poterant. Nunc pro executione dispensationis iustificandi ~~sunt~~ tum gradus consanguinitatis, ac causa litium.

Quod attinet ad consanguinitatem illa usquequaque probata remanet iuxta arborem productam et quinque primis fasciculis fl. 7. per testes et initio examinatos fl. 1. usque ad 7.

Quod attinet ad causam litium ~~illa causa probata extitit~~ per depositionem Ex.^ti Insulani qui post adversarius unius partis; et per depositionem Ex.^ti D. Ioannis Antonii Flamei Cancellarii Cormoni, qui ~~pluries~~ saepius interfuit illis contentionibus et plures vidit scripturas ad causam spectantes fl. 12. usque ad 14. qui concludentissime reddentur sensum rationis huius litis retentum.

Tilla clare et aperte est deducta in capitulis inspiciendo à 6.^{to} usque ad ult.^m ut patet lectura patet, unde, videlicet tantummodo etiam hinc probata et probata usque ad finem

Corroborantur etiam omnia illa capitula scripturis publicis, et aliis quam numerosissimis producendum 6.^m capitulum probatum mediante testamento q. D. Leonardi del Meshe patris D. Albae Rosae sponsae in quo instituit haeredem D. Manaeum Manaei eius decedenti ubi post ~~Martinus~~ D. Ioannes del Meshe sponsus, et quod lis, quae vertebatur inter D. Manaeum, et D. Albam Rosam, verteretur nunc inter D. Ioannem, et D. Albam Rosam.

7.^m capitulum probatum mediante testamento producto q. D. Leonardi in quo reperitur prosternit D. Alba Rosa, et mediante ipsius intimatione fl. 18 qua petit remitti in possessionem bonorum paternorum contrahabilitatis testamenti, quidem posthumus dicitur non solum qui nascitur post mortem patris, sed etiam post testamentum.

8.^m capitulum probatum mediante petitione D. Manaei haeredis instituti fl. 20. 4. quidem si etiam extitisset testamento D. Manaeus non potuisset se mitti in possessionem haereditatis, quod ille, qui in ultimo relinquitur fuisse haeres institutus.

9.^m capitulum probatum mediante productione insinuata D. Albae Rosae fl. 18

10. capitulum probatum mediante petitione D. Baptistae del Meshi patris D. Ioannis fl. 23. insinuatis se tanquam proximiorem masculis ab intestato quam in possessionem haereditatis ~~veniens~~ multiplici actione propter praetentionem D. Albae Rosae filiae testatoris.

11. capitulum probatum mediante petitione D. Baptistae fl. 23. illiusque supplicatione fl. 27. et replicatione D. Livia matris D. Albae Rosae ~~filiae~~ fl. 29

12. probatum mediante praetensione, et instrumentis ipsam praecedentibus, et subsequentibus quomodo huius laboriosi etiam percurrere processus forma.

13. probatum mediante ~~sig~~. testamento D. Leonardi del Meshi in quo instituit haeredes D. Manaeus, et ei substitutus D. Ioannes, nam lis, quae vertebatur inter

D. Manasi, et D. Baptista del Messe, et D. Albam Rosam nunc uxorem [illegible] D. Ioannis ubi [illegible] in loco D. Manasi; et ipsius D. Albae Rosae [illegible] D. Manasi, D. Baptistae, et D. Albae Rosae fol. 30 t. [illegible] D. Albae Rosae fol. 32 t. et capitulis ipsius fol. 34 t.

iz. probat mediante scriptura D. Albae Rosae fol. 36. in qua petit [illegible] bona feudalia, et emphyteutica, et appellatione [illegible] fol. 45.

u probat mediante contradictione facta ad [illegible] D. Albae Rosae [illegible] D. Baptista del Messe fol. 13. et mediante scriptura D. Baptistae fol. 17 t. in qua [illegible] pro revocatione contradictionis D. Albae Rosae; et mediante [illegible] D. Leonardi in quo D. Manasi ~~Baptista~~ [illegible] est D. Ioannes, [illegible] dispensationem [illegible] quod nunc [illegible] D. Manasi transmissa est in D. Ioannem.

Ex praedictis igitur [illegible] apertissime pateat et [illegible] publicis probari [illegible] in dispensatione procedere esse [illegible]

Pro Biragho et Bolgatis et Commendatario Sancti [illegible]

Significissime [illegible] ad Eminentias [illegible] Bolgatis, et [illegible] Biraghi [illegible] ad [illegible] Commendatarii [illegible] renuntiationem factam anno [illegible] [illegible] ipso [illegible] Commendo, sed [illegible] bonorum feudi [illegible] licet [illegible] molestia [illegible] non [illegible] habere [illegible] ~~[illegible]~~ in quam [illegible] continuassent [illegible] minimi [illegible] male [illegible] Bolgatis et Biraghi [illegible] revocare [illegible] in [illegible] [illegible] quam [illegible] nec quidquam [illegible] quod renuntiationem [illegible] revocare [illegible] quia revocatio illa coram iudice incompetenti [illegible] D. [illegible] facta est ipso iure nulla maxime [illegible] Bolgatis, nec in illius iurisdictionem [illegible] ~~[illegible]~~ nullius etiam momenti est [illegible] quod [illegible] renuntiationem non [illegible] requisitas a iure; quia ipsa renuntiatio [illegible] facta a colonis [illegible] [illegible] ad omne bonum [illegible] Commendatarius [illegible] non amplius [illegible] de publica liquidatione [illegible] ad ipsos, [illegible] tamen [illegible] pacifice [illegible] renuntiatio [illegible] habere [illegible] in [illegible] [illegible] omnia [illegible] in praesens [illegible], et [illegible] [illegible]

et relevatione

Proclamma

Di ordine del Mag.co Sig. Pr. Nicolo Arcano Gastaldo e Giusdicente per le RR. Monache d'Aquileja et con l'autorità dell'Ill.mo Sig. Luog.te di Udine [illegible] e pubblicamente proclamano Ottavio d. Varzalio di [illegible] Palmerino nelle pp. [illegible] Gradisca, il Cipria d. Gorna [illegible] in Gradisca, Bernardo e Bortolo [illegible] d. Varzalio di Perteole [illegible] de [illegible] Ottavio, e Madalena [illegible] del detto Bernardo [illegible] nel termine di giorni [illegible] prossimi [illegible] a [illegible] et [illegible] a [illegible] et perentorio [illegible] abbino personalmente a presentarsi nelle forze di [illegible] à difendersi dal processo contro di loro formato per officio di quello, et in quello che il venerdì [illegible] prossimo passato essendo venuti alle mani Bortolo e Bernardo [illegible] con [illegible] Lorenzo d. Perteole [illegible] di Domenico e Francesco Gadini [illegible] le cause apparenti in [illegible] et essendo essi Domenico e Francesco [illegible] de non [illegible] mille di [illegible] sarebbe [illegible] le loro [illegible] [illegible] [illegible] essi Bortolo e Bernardo [illegible] di Domenico e Francesco [illegible] impedito che non [illegible] [illegible] contra [illegible] [illegible], che [illegible] determinarono di mandar à chiamare à Gradisca Ottavio, Palmerino, et il Cipria [illegible] homini [illegible] per far [illegible] e benche [illegible] fussero richiesti di pace [illegible] prefer[illegible] apertamente di voler far [illegible] dell'antibasate [illegible] infelici Domenico e Francesco Gadini e [illegible] di vita [illegible] come poi avenne et [illegible] il [illegible] seguente [illegible] l'ultimo del mese [illegible] che havendo mandato Madalena loro [illegible] con una lettera à Gradisca à chiamare Ottavio, Palmerino, et il Cipria essi armati [illegible] venero à Perteole, et con le spie di Madalena [illegible] che sapeva essi Domenico e Francesco [illegible] nell'osteria di [illegible] Bernardo di Perteole [illegible] [illegible] [illegible] [illegible] Domenico e Francesco Gadini [illegible] [illegible] [illegible] [illegible] l'infelice Domenico [illegible] et con un'altra [illegible] nella [illegible] delle quali mortalissime ferite [illegible] à due giorni passarono all'altra vita [illegible] commesso questo misfatto [illegible] [illegible] [illegible] [illegible] le predette cose come mandanti e mandatarii [illegible] [illegible] [illegible] [illegible] [illegible] delli [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non comparendo [illegible] alle loro [illegible] come parerà conveniente per [illegible] [illegible] Ill.mo Sig. [illegible] [illegible] le [illegible]

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Pro rob. et Rr. [illegible] nendis w Rr. Paulonis

Attest.

Rr. Capl. Civitatis consueuit quotannis ad publicum incantum uendere quarte- da rea et plus offerenti deliberare iuxta formam statutorum [illegible], quibus inter cetera cauetur quod emptores quartesiorum debeant idoneas prestare fideiussiones clericos beneficiatos et in talesia civitatis residentibus, qui principaliter et in solidum se obligent ut constat ex capitulis statutis productis fol. i. a tergo.

De anno 1597. incantato, uendito, et deliberato fuit quartesium ostarie rr. [illegible] Pilloto cui [illegible] pro [illegible] [illegible], ut fol. i. ꝉ eodem instanti pro eo fideiussit Rr. d. Dauus Bernardus Canonicus Civitatis iuxta formam incantus in forma deliberationis et consuetam ut fol. i.

ꝉ attendendis pro dimidio in festo Purificationis mensis anni inde sequentis 1598. et pro alio dimidio in festo Pentecostes ut fol. 13. a tergo.

xx. maij et tre [illegible] dies postea Rr. d. Ioannes [illegible] Paulonius [illegible] pro eod. Pilloto emptore quartesij ostarie se constituit fideiussorem iuxta formam incantus nominando in alium fideiussorem constitutum Rr. d. Dauid de Bernardis ut fol. i. a tergo.

[illegible] solutio quartesij cuius dies cadebat in festo [illegible] Pentecostes facta non fuit pro [illegible] principali debitore, unde [illegible] necesse fuit fideiussoribus illam facere. Rr. d. Dauus opportune soluerit [illegible] solutis nempe xx. Maij 1598. ut constat ex recepto Rr. Gerardi fol. 19. respectiue quod tangebat Rr. Paulonius eiusdem [illegible] fuit in tempore sed lapso termino fere [illegible] mensis [illegible] nempe ix. Iulij 1598. ut constat ex recepto eiusdem Gerardi fol. 20. quod factum est ut uterque punctatus fuerit [illegible] et Rr. d. Dauus [illegible] et respectiue [illegible]

(quia duplex est punctatio penes Rr. Capl. Civitatis) Rr. d. Dauus passim demum £ 94 [illegible] ut constat testimonio Rr. [illegible] fol. 1. a tergo respectiue uero punctatio [illegible] passim demum £ 332 [illegible] ut constat testimonio Rr. [illegible] fol. 17. a tergo et in [illegible] punctationibus ascendentibus in summa £ [illegible] incendit Rr. d. Dauus respectiue ad [illegible] cuius culpa [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] post [illegible] ut [illegible] [illegible] Rr. Capl. Civitatis in [illegible] instantia, et [illegible] in [illegible] [illegible] principalis [illegible] Rr. d. Dauus: Nam quando plures simul fideiubent, tunc censentur fideiubere respectiue [illegible] [illegible], et quilibet eorum [illegible] fideiussisse contemplatione alterius et [illegible] beneficij diuisionis uel cedendarum L. [illegible] ff. de fideiuss. idem est si diuersis temporibus utriusque ab initio erat conuentum quod alius fideiussor [illegible] [illegible] simul [illegible] ut ff. de solu. L. Modestinus. Bar. in L. si [illegible] ff. de fideiuss. n. 1. et L. [illegible] ff. de fideiuss. n. 3. in casu de quo agitur negari non potest quia ab initio [illegible] conuentum de quibus duobus fideiussoribus, quia [illegible] [illegible] Rr. Capl. [illegible] ut constat fide publica [illegible] Cancellarij [illegible] fol. 20. a tergo et patet etiam ex [illegible] [illegible] et aliorum quartesiorum Rr. Capl. eiusdem anni 1597. registratis fol. 18. [illegible] [illegible] etiam manifestissime ex forma capitulorum [illegible] fol. 16. [illegible] ibi de

et comparare sia ... praestitutione, et sufficienti cautioni, utrique ... beneficiis ... L. ubi numerus ff. de testib. ... geminae ff. ... de fid. praestat. unde cum uterque ... D. Danius et D. Pantonius fideiussores ... inveniant, et ut invicem facti fuerint ea conditione ut ... debeant ... fideiussores utrique dicendum est quod uterque ... continuerit animo, quod et alius ... deberet fideiussor quia relatio ... referente ... ff. de haered. instit. sed in re clara quid opus est conjecturis? videamus ... quod D. Pantonius se fideiussorem constituit ... D. ... fuit ... fideiussorem D. D. Danii. neque enim ... nominatus ... D. Pantonius ... subtilius disputare ... adversa pars, quia satis est quod D. Pantonius ... D. D. Danii fideiussorem fuisse, ut dicatur alter alterius contemplatione, et respectu mutui periculi fideiussisse. ... ipsum ... quod ... fideiussores ... non est ... de iure teneantur D. Pantonius ... prius ... D. ... in ... Auth. praesente. C. de fideiuss. quod allegatur in scriptura ... quia ... conditionem ... Danii ... clare ... Auth. ... de ... debiti solvi inter fideiussores distribui ... quod ... plenius fideiussoribus ... et ... continentibus ... principalibus debitoribus, ... unus ... in solidum integre, vel ... suam partem creditori ... cessione actionum ... a creditore ... fideiussores, ... quemlibet ... contingente ... privilegii, et modo procedendi quod creditor ipse habebat tam quoad ... quam quoad ... fideiussionis ...

... enim ... agere ... privilegii, et modo procedendi quem creditor ipse habebat, clarum est quod creditor ... D. ... principali debitori, et illius ... non ... agere cum fideiussores ... principalis, ... licet alias de iure ... fideiussor non possit conveniri ... principali debitore. ... Auth. praesente. C. de fideiuss. ... Non obstat etiam ... D. Pantonius ... quod et ipse fuit ... quia ... non relevat D. D. Danii ... fuit ... in ... unus ... fuerit in mora.

Non obstat etiam quod ... in judicio deductum non sit adhibenda ..., quia ... non fuit ..., quia ... mera cavillatio ... quod D. Pantonius ... relevandi D. Danii a damno ... propter ... solutio ... quia ... liquidatus ... juramento ... et ... D. Cap. ... D. ... D. Danii, ... appellasse ... quia ... manifeste ... in ... c. ...

116.

Pro Arigones. De S.te Vito [illegible]

Iniquissima est [illegible] Dni [illegible] P.e Viti [illegible] ad favorem [illegible] Martini, et [illegible] [illegible] [illegible] Arigones [illegible] [illegible] S. Capitulo S. Mariae Dec.ta [illegible] quia declaravit [illegible] qui ex [illegible] sequestratis [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad Cameram conducere, [illegible] nisi [illegible] declarari quod [illegible] non [illegible] ultra annum. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sequestratis [illegible] ultra annum [illegible], [illegible] [illegible] [illegible] secundo sequestro [illegible] [illegible] quod quando [illegible] [illegible] [illegible], ea propter [illegible] [illegible] [illegible] [illegible] [illegible] sequestrum declarari debet [illegible] [illegible], et bene [illegible] [illegible] appellantes

Pro D. Bonolino [illegible] Alles. fis.

In his praetensis delictis processatus exstitit D. Presbiter Blasius Bonolinus [illegible] [illegible], altero fornicationis cum [illegible] [illegible] filia Blasii [illegible], ac cum Helena filia [illegible] [illegible] Bonolini, altero venationis, [illegible] [illegible] [illegible] D. Columbo [illegible] [illegible].

Quod attinet ad fornicationem, illa quidem [illegible] [illegible] [illegible] [illegible] Bernardini fabri [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Bonolini [illegible] [illegible] [illegible] filium Blasii [illegible] [illegible] [illegible] Bonolini, [illegible] [illegible] Bernardini [illegible] Bernardini Bonolino et [illegible] qui se [illegible] [illegible] ipsius fabri [illegible] dicto presbitero Bonolino [illegible] [illegible] qui dicit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] praesbiteri Blasii, quam [illegible] publice circumferebat [illegible] D. [illegible] [illegible] habere [illegible] dicto [illegible] [illegible]; [illegible] [illegible] 17. [illegible], qui [illegible] semel [illegible] praefatam Helenam in [illegible] praesbiteri [illegible] [illegible] [illegible] [illegible], qui [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod D. P. Bonolinus cum praefatis mulieribus se [illegible] [illegible] [illegible], et praecipue dicto D. Columbo [illegible]; [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Si tamen diligenter perpendatur [illegible].

Nam quod attinet ad [illegible] Bernardini fabri [illegible] est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] n.° 8. 9. et 10. quod est [illegible] D. praesbiteri Columbi, [illegible] [illegible] praesbiter Columbus [illegible] [illegible] D. Bonolino [illegible] credi non debet. [illegible] [illegible] [illegible] reg. [illegible].

T. [illegible] Bernardini Magdus: [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Bonolini [illegible]

T. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. Columbo

3 fallere. Feliy. in c. quoniam n. 2. ut allega. [illegible] de testib. ubi dicit propter immoderatam amicitiam non tantum repelli, et necessario [illegible] opinio. Testat. Ros. in tract. de testib. n. 102. quod procedere dicunt DD. ex eadem ratione quia magna amicitia idem operatur quod inimicitia [illegible]. Quando autem testes fuerint familiares in casa de quo agitur [illegible] constat quod de Clementus et ille Bernardinus faber testis [illegible] ut dicit testis fuere una al prete Paolino. [illegible] dicit Bernardinus del Pin [illegible] testis ad defens. in sua depositione [illegible] testis ibi il giorno di S. Nicolo [illegible] in casa mia [illegible] prete Iacomo, il Bernardino [illegible] volevano far [illegible] al [illegible] [illegible] Leonardi [illegible] 9. testis [illegible] 6. qui dicit [illegible] [illegible] audivisse Bernardinum [illegible] nostro far [illegible] qualche cosa a prete Biasio che non stava bene. [illegible] testis [illegible] 6. [illegible] Bernardino che [illegible] volevano far [illegible] al prete Paolino. [illegible] [illegible] inquisitio publice [illegible] presenti [illegible] debere nemo non videt.

[illegible] modo ad oppositiones in dictis. [illegible] ceteros dictus Bernardinus faber deponit audivisse a Bernardino [illegible], che [illegible] lui [illegible] visto [illegible] in casa di Pre Biasio ~~[illegible]~~ et più volte magnato [illegible], et con Pre Biasio. Non [illegible] tamen [illegible] 9. testis ad offens. [illegible] dicit [illegible] [illegible] [illegible] [illegible] domi [illegible], [illegible] [illegible] deposit [illegible] [illegible] de [illegible] [illegible] [illegible] a casa del Prete [illegible] [illegible] 6. testis ad offens. [illegible] [illegible] mai [illegible] [illegible] menar a casa del Prete. [illegible] dicit ulterius [illegible] di [illegible] stava a quel tempo in casa di Pre Biasio [illegible] [illegible] [illegible] [illegible] del Prete: [illegible] [illegible] testis ad offensam. [illegible] che andava [illegible] di Pre Biasio et che mai [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dire [illegible] [illegible] [illegible] [illegible] casa, [illegible] presentia di [illegible] [illegible]. [illegible] ~~[illegible]~~ [illegible] Augustinus [illegible] testis interrogatus nihil [illegible]. ~~[illegible]~~ ~~[illegible]~~ [illegible] [illegible] manifeste patet quod ~~etiam~~ [illegible] Bernardinus faber [illegible] testis ad off. nullam meretur fidem propter [illegible] oppositiones in dictis [illegible] [illegible] [illegible] qui vel [illegible] vel dicunt se nescire [illegible] testis dans aliquem [illegible] [illegible] qui interrogatus [illegible] [illegible], vel dicat se nescire [illegible] de falso suspectus, et [illegible] ~~[illegible]~~ [illegible] credatur. Bal. in c. ad causas col. 3 de testib. Campeg. de testib. reg. 4 [illegible]. [illegible] Mascard. [illegible] de prob. conclus. 1368. n. 1.

Reiecta [illegible] depositione Bernardini [illegible] reliquum est ut [illegible] depositionem Bernardini [illegible], qui [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ ~~[illegible]~~ ut [illegible] 4 [illegible] 6. testis [illegible] ad defens. nam [illegible] repelluntur a testimonio qui [illegible] [illegible] [illegible]. l. 1. [illegible] [illegible] [illegible]. Mascar. [illegible] de prob. conclus. 1358. n. 9. preterea [illegible] deponit [illegible] dicit non [illegible] era [illegible] Biasio [illegible], et [illegible] esse [illegible] [illegible] [illegible] nam [illegible] credulitate et [illegible] nullam [illegible]. c. quoniam de testib. glo. in l. testium. l. [illegible] ubi [illegible] testes

mendatij alia ratione conuincitur, dum deponit iudice in cubiculo praesbiteri Malam [illegible] [illegible]; nam ipse Blasius nullam habuit filiam quae appellaretur [illegible] ut deponunt 7. 8. 9. et 10. testis [illegible] 7.° cap.° ad defens., et ipsemet Blasius 2.° testis examinatus hoc idem affirmat.

~~Et etiam ex ipsius Bonolinus 1.us testis ad offensa~~ Rainaldus Maddalus 9. testis ad offensam qui [illegible] [illegible] mane [illegible] [illegible] [illegible] [illegible] [illegible] domo praesbiteri, [illegible] [illegible] [illegible] [illegible] [illegible]. nam quando etiam ille testis de [illegible] deponere [illegible] videtur, est singularis, quia testimonio unius [illegible] nec iudex [illegible] nec condemnat. l. Et nouare 33. q. 2. c. in omni re 9. de testib.

Quod attinet ad Helenam ~~Bonolinam~~ ~~[illegible] [illegible] [illegible] deposition~~ ~~[illegible]~~ Bonolini 8.i ~~testis ad offen.~~ cuius relatio [illegible] [illegible] [illegible] [illegible] Bonolinus [illegible] testis et Rainaldus Maddalus 17. testis ad offens. breuiter respondendum quod ad [illegible] quod ~~ipse~~ sibi in oratione non [illegible], ut est [illegible] [illegible] [illegible] dum p.o dixit se [illegible] [illegible] [illegible] [illegible] Helenam [illegible] domo praesbiteri, deinde paulo infra [illegible] se semel tantum [illegible], nam quando testis se ~~[illegible]~~ contrarius reprobatur. l. qui [illegible] ff. de testib. l. eos. [illegible] ff. ad leg. Cornel. de fals. ~~et~~ praeterea [illegible] singularis. sed quando etiam [illegible] nihil [illegible], et haberet confessus [illegible] [illegible] Helenam [illegible] domo praesbiteri, et quando etiam [illegible] Helenam de incontinentia suspectam, non tamen pro hoc B. Bonolinus posset puniri, quia si femina de incontinentia suspecta est in domo clerici, clericus pro hoc non debet puniri, sed debet prius moneri ut [illegible]. Concil. Trident. cap. 14. de reform. sess. 21. et c. 2. de cohab. cleri. et mulie. ubi habetur quod clericus debet ter moneri antequam [illegible] puniri.

Nam etiam Maddalus nulla est adhibenda fides quia singularis. c. ueniens. de testib. quia minor 14 ut in eius depositione, nam in criminalib. requiruntur testes maiores [illegible] Paris. q.o 163. n.° 7. uol. 4. [illegible] de testib. par. 3. n.o 70. quia non [illegible] [illegible] [illegible] et testis [illegible] de testib. et quia deponit non verisimilia, quo casu de falsitate est [illegible] suspectus. l. de crimen. l. fin. ff. de testib. c. quia uerisimile. et ibi [illegible] de praesump. dum dicit quod ipse Helenam [illegible] in cubiculo praesbiteri [illegible] Danielis eius [illegible] in uno [illegible], et ipse et B. Bonolinus in alio [illegible] ~~[illegible]~~ cum ut patet ad [illegible] ~~[illegible]~~ quod [illegible] [illegible] [illegible] [illegible], attentis [illegible] [illegible] [illegible] q.o 633. n.° 4. uol. 3. [illegible] Bonolini 7.° testis de [illegible] non obstat etiam quod nonnulli testes deponant de [illegible] [illegible] de Pre Biasio [illegible] [illegible] Bonolinum, et [illegible] [illegible] [illegible], quia [illegible] [illegible] deponentes non probant malam famam; nam testes [illegible] fama deponentes non probant nisi dicant a quib. dei audiverint, et habere depositio se audiuisse a maiori parte [illegible], et debent allegare causam [illegible] [illegible] famae, et attestari se audiuisse id [illegible] a [illegible] [illegible], et non suspectis, alias non probant. Decian. in q.o 13. n. 4. [illegible] n.° 4. [illegible] uol. in q.o 52. uol. 1. [illegible] [illegible] [illegible] quaest. 6. n. 7. et [illegible]

Testes [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Bonolinus [illegible] respondet quod etiam ~~[illegible]~~ [illegible] quod ~~[illegible]~~ ~~[illegible]~~ testes non deponit post [illegible] [illegible] [illegible] in domo praesbiteri [illegible] [illegible].

[illegible] [illegible] deponunt aliunde [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Bonolini [illegible] condemnat Bartolomeus del Pra [illegible] testis nullam propterea [illegible] potest [illegible] in [illegible] partem, quia clericus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. q.o 75. n. 2. in fin. et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible]

[illegible] Helena [illegible] [illegible] [illegible] [illegible], [illegible] quae erat [illegible] Danielis [illegible] [illegible] [illegible] [illegible] in [illegible].

Bibieca [illegible] relig. [illegible] [illegible] p. 2. 3. 5. [illegible] … [illegible] probari [illegible] … [illegible] … [illegible] ita casu etiam … [illegible] … [illegible] … [illegible] … [illegible] … [illegible] … Menoch. [illegible] … [illegible] … [illegible] Conset. [illegible] … [illegible] … Unald. p. 2. 2. [illegible] 1. n. 26.

Ex praedictis igitur dictis [illegible] colligitur [illegible] praesumptionem relatio [illegible] talis praetensae fornicationis delicto esse absolvendo, cum nemo possit de delicto puniri nisi prius constet concludentibus probationibus ipsum deliquisse. L. fin. et ibi omnes DD. C. de prob. cum probationes debeant esse necessario concludentes. L. [illegible] C. de prob. c. quoniam contra [illegible]. et in casu de quo agitur nullus testis potuit deponere de aliquo commercio carnali neque vidit, nec quod audiverit fornicantes simul commisceri; quod ultra de quibusdam indiciis quod facile evanescunt considerata qualitate actus, qui vel [illegible] vel non [illegible] vel inimici, vel mendaces [illegible] et considerata eius qualitate deponere [illegible] non [illegible] ratione [illegible] se [illegible], non [illegible] deponere.

[illegible] … [illegible] … [illegible] … [illegible] … [illegible] … Brescia … [illegible] … Catalinus … [illegible] … [illegible] … Brescia. [illegible] … [illegible] … [illegible] … [illegible] … [illegible] … [illegible] … [illegible] … [illegible] … [illegible] … [illegible] … [illegible] … [illegible] … [illegible] …

que [illegible] [illegible] [illegible] acti. Consulto illa quidem [illegible] [illegible] Bertolino [illegible] [illegible] [illegible] [illegible] dum [illegible] Marco [illegible] [illegible] [illegible] [illegible] in ca [illegible] [illegible] [illegible] animo [illegible] ferre [illegible] ad [illegible] [illegible] Vicarius in ea [illegible] [illegible] [illegible] [illegible] [illegible] qui [illegible] [illegible] [illegible] [illegible] quod [illegible] licet [illegible] de eius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] compensatione [illegible] [illegible] [illegible].

Pro R. Bertolo cum fisco. Alleg.

R. presbiter Bertolus de [illegible] olim Vicarius [illegible] imputatur quod [illegible] commertium carnale habuerit cum [illegible] nuncupata la Cappona de [illegible] cum qua [illegible] [illegible] publice [illegible] eam domi sue tam diurno quam nocturno tempore.

Nullus testis probat de aliquo commertio carnali [illegible] cum ad probandum commertium carnalis, seu fornicationem, ultra quod testes debeant esse contesti de loco, et tempore debent testes ~~deponere~~ deponere de visu vel saltem ut [illegible] de auditu proprio [illegible] [illegible] [illegible] dumtaxat [illegible] [illegible] et aliis [illegible] sufficientibus. c. [illegible] [illegible] [illegible] [illegible] n. 9. et [illegible] n. 1. [illegible] cum aliis testes non [illegible] [illegible] commertium carnale bonam rationem [illegible] reddere [illegible], et concludentem [illegible] illam reddere tenentur [illegible] [illegible] cum [illegible] criminalibus, et ad offensam testes [illegible] [illegible] [illegible] [illegible] [illegible] in l. [illegible] n. 3. C. [illegible] [illegible] [illegible] [illegible] [illegible] n. [illegible]

[illegible] tamen [illegible] quandam indicia ex dictis nonnullorum testium [illegible] [illegible] [illegible] et [illegible].

Pro fisco [illegible] [illegible] in [illegible] [illegible] depositio Hieronimi Guerzi [illegible] [illegible] [illegible] la [illegible] più volte entrare, et uscire di notte di casa di Pre Bertolo la Cappona, aggiungendo che quando [illegible] [illegible] [illegible]

Di questo è Pre Bertolo per [illegible]

Huic respondetur quod est unicus testis unde [illegible] c. licet c. veniens c. [illegible] de testib. et tamen minus non deponit [illegible] de nolle [illegible]

[illegible]

Preterea [illegible] confessio [illegible] Pre Bertolo [illegible]

[illegible]

Preterea ipse Hieronimus Guerrini allegat contestem dominum Pol. alias domi[illegible] [illegible] in casa del Prete. allegat etiam alium contestem dominum della Nera [illegible] in casa del Prete [illegible]

[illegible]

[illegible] mentre dice che più volte ha veduto Pre Bertolo in casa della Cassona [illegible] Pre Bertolo in casa sua [illegible] in casa [illegible] dopo le due hore, et che il [illegible] ancora [illegible]

Baptista [illegible] 3. test[is] [illegible] [illegible] pr[illegible] . ~~et [illegible] [illegible] dum~~
~~[illegible]~~
~~[illegible] [illegible] [illegible] [illegible] [illegible]~~
Sed [illegible] [illegible] quod [illegible] [illegible] de [illegible] est homo [illegible] et ut [illegible] [illegible] 3. cap. ad defens[ionem] [illegible] che [illegible] [illegible] [illegible] male, et veder male [illegible] [illegible] 4. et [illegible] testis [illegible] [illegible] cap. 3. [illegible] che [illegible] delle [illegible] nel [illegible] [illegible] che non [illegible] haver [illegible] rispetto à questa [illegible].

[illegible] [illegible] est [illegible], [illegible] testes [illegible] et maledicus, et licet [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] collegio, dum 3. testis dicit haver sentito dire [illegible] [illegible] che Pre [illegible] non lasciava quella donna [illegible] tiene in [illegible] non haveria mai pace con lui. et 7. testis [illegible] 3. mentre [illegible] haver inteso [illegible] dire [illegible] che Pre [illegible] tiene una donna [illegible] [illegible] à [illegible]; nam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] prov[illegible] [illegible] cap. 61 n. 5. T

Tum verisimile [illegible] [illegible] semper quod in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] Bernardinus filius Baptistae [illegible] [illegible] [illegible] [illegible] testis ad [illegible] nihil [illegible] [illegible] [illegible] deponit quod [illegible] [illegible] [illegible] testis non [illegible] [illegible] [illegible] c. [illegible] de testib. [illegible] l. [illegible] l. cod. tit.

Propterea [illegible] omnes testes [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] c. licet causa de proba. c. [illegible] et 2. de eles. quod quidem procedit [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] in [illegible] [illegible] [illegible] deponendo [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] quaest. 53. n. 13.

Sed [illegible] [illegible] [illegible] quod [illegible] omnes essent contestes de loco, tempore, et quod [illegible] esset probatum, [illegible] [illegible] [illegible] presbiteri se [illegible] et [illegible], [illegible] etiam [illegible] [illegible] de incontinentia esse [illegible] [illegible] [illegible] [illegible] presbiter [illegible] posset puniri, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non debet puniri; ed debeo [illegible] [illegible] [illegible] [illegible] c. 2. de [illegible] [illegible]. [illegible] [illegible] [illegible] cap. 14. de [illegible] [illegible] et concil. Provinciale Aquileien cap. de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod presbitero [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

P[illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] testes qui deponunt che [illegible], che Pre [illegible] ~~[illegible]~~ con [illegible] [illegible] la [illegible]; [illegible] [illegible] [illegible], quia [illegible] testes [illegible] deponentes non probant malam famam, nam testes [illegible] [illegible] deponentes non probant [illegible] [illegible] [illegible] [illegible] [illegible] debent deponere [illegible] [illegible] maior parte [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] il [illegible] [illegible] [illegible], [illegible] [illegible] non probant. [illegible]. in q. 19. n. 14 [illegible] 4. [illegible] [illegible] [illegible] 14. [illegible] in [illegible]. [illegible] [illegible] [illegible] quaest. 6. n. 7. et seq.

[illegible] [illegible] de [illegible] [illegible] presbiteri [illegible] deponit 8. testes [illegible] [illegible] [illegible] 1. capto [illegible] [illegible] [illegible] [illegible] quod 19. [illegible] [illegible] [illegible] [illegible]

Atrice [illegible] in [illegible] Alens [illegible] in omni [illegible], et quid est [illegible]
merito bono [illegible], et famos actas [illegible] mea. Deinde deponit etiam
nonnulli testes [illegible] ut [illegible] in [illegible] testis, et [illegible] a valle de
[illegible] testis, qui dicit che nella villa di [illegible] esse alcuni [illegible]
[illegible] Bertulo,

[illegible] enim casu etiam si probata esset ex parte fisci mala fama ut dicit fisci in
defensionib. R. Bertolini nil relevaret, quia utrimq. probata est bona fama, et
mala fama magis [illegible] probationi bone fame, quia non ea [illegible] praesumptio
[illegible] Bal. in qo. 166. n. 13. ut [illegible] probatio boni famae in genere [illegible]
[illegible] [illegible] in [illegible] cap. 13. n. 9

quibus [illegible] praedictis debet R. presbiter Bertulus a praetensis crimin.
[illegible] [illegible], et [illegible] [illegible] [illegible] proclivius speramus
[illegible] [illegible], cum rationem [illegible] et etiam [illegible] [illegible]
~~[illegible]~~ [illegible] Attentam [illegible] presbiteri Bertuli, qui tamen [illegible] dici posset [illegible]
absolutionis [illegible] [illegible] [illegible] processus, quos quidem expensas
Ab attento [illegible] [illegible] [illegible] [illegible] 60. [illegible] et [illegible]
[illegible], [illegible] partem [illegible]; [illegible] aperire

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Ad [illegible] dicuntur. nam licet [illegible] Constitutionem [illegible] sub tit. de testib. in [illegible] quae admittitur
indistincte admittitur [illegible] [illegible] [illegible] [illegible] de impertinentia temporis [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ut non possit in capitulis [illegible]
impertinentib. [illegible] [illegible] in [illegible]. [illegible] Iulianus [illegible] 34 de iur. in
[illegible] [illegible] capitula adversarii

A. nam capitula continent repulsam testium examinatorum parte [illegible] [illegible]
ut patet ex illorum tenore fol. 81. repulsa autem non conceditur nisi [illegible]
[illegible] de [illegible], quod [illegible] in c. praesentium de testib. [illegible] quod ante
publicationem [illegible] se nolle repulsare testes, vel quod probet post publica-
tionem [illegible] de defectib. et exceptionib. contra testes, vel quod [illegible] se
non potere repulsam [illegible] in casu nostro [illegible] illorum [illegible], nam
tempore publicationis nulla apparet [illegible] protestatio ut fol. 78. t. nulla etiam
[illegible] probatio quod [illegible] [illegible] [illegible] post publicationem [illegible]
[illegible] [illegible] [illegible] [illegible] concedi non possit repulsa d. c.
praesentium de testib. et tanto minus, [illegible] post [illegible] 13 annos nam
testes fuere examinati [illegible] anno 1739. ut patet ex [illegible] d. Capit.
[illegible] fol. 39. et post mortem

[illegible] repulsae [illegible] restringenda [illegible] in c. licet de testib. in [illegible] de testib.

Accedit quod alia etiam ratione capitula ista admitti non possunt; nam ad. Capitulo 3. fol. 81. a tergo, nigro [illegible] nisi [illegible] [illegible] [illegible] cum constitit ponit che Ivano Milisue, [illegible] doppo la sua morte [illegible] suo figliolo possiede il sud.mo campo; cap. 8 [illegible] delle ragioni della ss. Chiesa. Istud autem capitulo est de directo contrarium [illegible] capitulis productis per [illegible] fol. 21. et 22. in quibus ipsa ponit quod possidebat ad [illegible] ut apparet [illegible] [illegible]; unde [illegible] [illegible] illa contradictio, quod est [illegible] publicatis attestationibus, nec [illegible], nec alia [illegible] super eisdem capitulis vel directe contrariis amplius produci possunt. c. [illegible] de testib. c. [illegible] [illegible] de fid. instr. c. [illegible] de testib. [illegible] semel C. de probat.

Non igitur admitti debent ista capitula, tum quia non continent requisita c. praesentium de testib. ut supra dictum est, tum quia sunt de directo contraria capitulis [illegible] [illegible] [illegible] [illegible] iam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Militulus [illegible] opponere intendit; et [illegible] de optimo iure [illegible] aperiendi contra [illegible]. [illegible] [illegible] [illegible] de publicationibus, non [illegible] [illegible] [illegible] [illegible] [illegible] manifeste [illegible] [illegible] [illegible] fol. [illegible] [illegible] [illegible] [illegible] [illegible] pater [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] inter ipsos [illegible] [illegible] [illegible] [illegible] [illegible] apparet [illegible] [illegible] [illegible] meliorament [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fol. [illegible] [illegible] mendax [illegible] praesumitur etiam [illegible] [illegible] [illegible] [illegible] [illegible]

(The preceding passage, from "Militulus" onward, is crossed out with a diagonal stroke.)

[illegible] [illegible] [illegible] [illegible] declarari bene iudicatum [illegible] [illegible] [illegible] appellavit [illegible] [illegible] adhuc ut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] manifestatione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de restit. [illegible] Benintend. decis. [illegible]

Tum quia [illegible] admitti non debent [illegible] contraria confessioni [illegible] [illegible] [illegible] [illegible] [illegible] ponit quod [illegible] Militulus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fol. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] instrumento [illegible] [illegible] [illegible] anno 1543 [illegible] fol. 17. a tergo [illegible] fol. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] confessionem [illegible] L. 1. C. de confess. [illegible] mendax in uno praesumitur etiam mendax in alio. [illegible] 90. 91. n. 29. [illegible]

Pro Mag.ci d.ni Curtio Collorett contra d.nus Meltz: Respon. ad libellum

Mag.ci d.ni Curtius de Colloreto, et litis consortes [illegible] libello [illegible] producto per Mag.cum d. Georgium, et fratres de Meltz, in quo fatentes se solos [illegible] familiae de Meltz [illegible] parem, et progenitores ab immemorabili tempore pro indiviso possedisse [illegible] et eorum authoritate [illegible] qui [illegible] ad [illegible] d.nis [illegible], [illegible] de Meltz et nunc in [illegible] [illegible] jurisdictionem per tempora vel regiones [illegible] petere videntur ut [illegible] vel saltim [illegible] habita ratione ad [illegible] [illegible] respectu [illegible] [illegible]; et [illegible] [illegible] [illegible] minor pars spectare appareret [illegible] in [illegible] libello ad quem [illegible] [illegible] relatio habeatur, brevis [illegible] dicunt ipsum libellum esse vagum varium obscurum, incertum et generalem nimis, [illegible] de iure [illegible] habere [illegible], et [illegible] respondere [illegible] [illegible] vera [illegible] debere, et [illegible] ab observatione [illegible] [illegible] et licet hac [illegible] ad omnem [illegible] [illegible] de calumnia [illegible] [illegible] [illegible] [illegible] exceptionibus et defensionibus [illegible] quomodocumque [illegible]

Pro R. [illegible] contra [illegible] Illeg.

Justissimam provocandi causam habuit R. [illegible] [illegible] [illegible] proclamatae admodum R. d. Vic. Justinopolitani et [illegible] sua condemnatio [illegible] promulgata, quod [illegible] manifeste nullitate, et iniustitia [illegible] laborat: nam non [illegible] [illegible] [illegible] R. [illegible] ad [illegible] processum, [illegible] [illegible] [illegible] in ipso [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] in diocesi Justinopolitana possessis declarando [illegible] [illegible] nunquam habere posset aliquod Beneficium [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] religioni [illegible] iudicis [illegible] illam [illegible] et [illegible] declarare, [illegible] in [illegible] R. [illegible], quia [illegible] condemnationi [illegible] [illegible] fuit. [illegible]

[illegible] Die 8 Junii 1602 [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] R. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible]

Q(uerela) Iacobi Gabellae institutam ut dicitur de anno 1593. 3. iunii nempe quod per Michaelem eius filium violentia aditum intraverit, et tum ad querelam pronun-ciat fiscalis, nempe quod in sabbatalibus processione patentis [illegible] ut [illegible] labra incesserit per urbem [illegible] publice [illegible]

quoad attinet ad primum, dicendum est assertam illam querelam esse falso fabricatam siquidem ipsemet Iacobus Gabella [illegible] semel ac ad eius aures pervenit proclamam publicatam [illegible] publice [illegible] ad solemni iuramento retulisse se nunquam querelam huiusmodi instituisse, aut curasse ut alius institueret, ut constat ex actis publicis productis, nec mirum videri debet hac falsitas fuisse fabricata quia [illegible] [illegible] in [illegible] sententiam condem-natoriam [illegible] supra [illegible] se habuisse conditione eam proferendi sententiam ab [illegible] literas et tamen literas illas conditionis [illegible] ostendi nec in processu registravit [illegible] [illegible] in calce [illegible] sententie compressione [illegible] falsitas, nam querela illa ut dicitur fuit instituta de anno 1593. 3. iunii [illegible] et tamen in eadem mensis [illegible] dies [illegible] querelas [illegible] fuit ab eod. [illegible] [illegible] nulla [illegible] publica [illegible], quod certe verisimile non est falsum fuisse [illegible] non [illegible]. [illegible] alio etiam argumento nempe literis [illegible] [illegible] [illegible] de [illegible] anno [illegible] [illegible] productis [illegible] quibus omnibus et singulis [illegible] [illegible] [illegible] labe [illegible] esse. sed fingamus sine [illegible] querelam illam fuisse institutam [illegible] [illegible] [illegible] ut apparet [illegible] [illegible] [illegible] non [illegible] [illegible] procedere ad sententiam condemnatoriam, sed nec etiam ad [illegible] [illegible] quod [illegible]; nam iudex ad nullum actum procedere potest nisi prius [illegible] delictum ipsum fuisse commissum [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] ut dicit [illegible] de [illegible] [illegible] [illegible] confiterentur delictum aliquod commisisse non potest condemnari nisi de ipso delicto aliunde [illegible] confessione apparet [illegible] [illegible] et propterea [illegible] [illegible] in [illegible] debent [illegible] procedendo [illegible] vel [illegible] vel alias [illegible] [illegible] referunt [illegible] iuramento [illegible] [illegible] [illegible] [illegible] de delicto [illegible] [illegible] delinquentem [illegible] [illegible] [illegible]. 4. nu. 3. in fin. quod in casu nostro [illegible] non apparet. sed fingamus constare de corpore delicti, non tamen constat quis deliquisse [illegible] [illegible] [illegible] [illegible] [illegible] esse quod sit sufficiens non solum ad condemnationem sed nec etiam ad transmittendam inquisitionem nam [illegible] [illegible] habent loco denunciationis, sine querela [illegible] nisi [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] nisi ad inquirendum [illegible] [illegible] informationes [illegible]

eum, qui ab offenso nominatur, non ante ad hanc veniendum illi inquisitionem seu citationem. Clar. quest. [illegible] nr. 4. et licet sententia [illegible] contumacem habeat pro confesso, non tamen de iure contumax potest condemnari nisi ultra contumaciam sit etiam per legitimas probationes de ipso delicto convictus, nec etiam de confessione nisi habere indicia ad hanc mittendum inquisitionem sufficientia ut not. Clar. quest. 44. nr. 9. quod quidem sufficientia non nisi fundamentum habere in sola offensi [illegible] ut supra habetur.

Sed igitur ista [illegible] pro [illegible] [illegible] [illegible] fuit [illegible] [illegible] quandoque [illegible] [illegible] a [illegible] [illegible] [illegible] manifeste [illegible] nihil [illegible], quia non constat de corpore delicti, et quia nulla [illegible] indicia [illegible] dicto [illegible], quod non est sufficiens sed [illegible] ad hanc [illegible] [illegible].

[illegible] etiam [illegible], ut [illegible] [illegible] [illegible] parte [illegible] pro [illegible] crimine [illegible] [illegible] [illegible] remissus fuit a Sancto Officio. [illegible] quod [illegible] esse [illegible] omnes [illegible] [illegible] respicit [illegible] fidei [illegible] non est materia [illegible] de Sancto Officio non possit etiam [illegible] [illegible] in [illegible] [illegible] de causa [illegible] [illegible] quidem nemo [illegible] delicto puniri nisi prius [illegible] [illegible] probationes [illegible] [illegible]: L. fin. et ibi omnes [illegible]. de prob. cum probationes debeant esse necessario concludentes. L. [illegible] [illegible] de prob. c. quoniam contra [illegible] [illegible]. quo modo [illegible] [illegible]. [illegible] [illegible] in [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] depositionum facile apparere poterit.

[illegible] [illegible] testis [illegible] [illegible] [illegible] fol. 8. non testatur de visu, sed de auditu [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] unde [illegible] [illegible], quia in crimine [illegible] requiruntur testes [illegible] [illegible] omni [illegible] [illegible] [illegible]. nr. 7. [illegible] 4. [illegible] de [illegible] [illegible] 3. nr. 70. [illegible] [illegible] [illegible] [illegible] del [illegible] [illegible] non [illegible] [illegible] in [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] testis [illegible] [illegible] [illegible] quidem [illegible] [illegible] deponit quod [illegible] [illegible] incedebat [illegible] in [illegible] [illegible] nullum [illegible] [illegible] [illegible], [illegible] [illegible] non facit, licet enim [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] illum [illegible], tamen est specialiter in causis criminalibus ut [illegible] etiam [illegible] [illegible] [illegible], aliás non probant neque faciunt indicium [illegible] de [illegible] [illegible]. quest. [illegible] nr. [illegible] [illegible] testis [illegible] Franciscus de Paula [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible]. [illegible] [illegible] [illegible], cum facile [illegible] [illegible] potuerit in [illegible] [illegible] [illegible], quia auditus possit decipi, nisi [illegible] [illegible] quod est [illegible], quia vox recipit [illegible] [illegible], quia aliter [illegible] in [illegible], aliter in [illegible], aliter in [illegible], aliter in [illegible] aliter in eo qui loquitur flexa voce, et aliter in [illegible] ut dicit Bal. in L. [illegible]. C. de [illegible] et [illegible]. nr. 8. et maxime sub larva, quae sonum magnopere [illegible], ut est notum. ipso fit ut in [illegible] etiam parte absolvi debeat [illegible] [illegible] probationes non afferunt [illegible], sed [illegible] [illegible], accedente maxime notoria malevolentia [illegible] in reum, quae ad eo [illegible] [illegible], et sub [illegible] [illegible] [illegible] apparet, ut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] et ab [illegible] [illegible] [illegible] sub [illegible] [illegible], ut [illegible] [illegible], [illegible] [illegible] [illegible].

Tu [illegible] [illegible] etiam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quia [illegible] etiam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible]. de prob. concl. 1269. nr. 17.

ut [illegible] [illegible]

[illegible]

Sidi processum a me transmissum [illegible] [illegible] [illegible] de [illegible]
et [illegible] Jemini de [illegible], et [illegible] [illegible], et [illegible] de Bernardis
[illegible] [illegible] [illegible] post [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Alexandri [illegible] [illegible] de [illegible]
[illegible] et ut in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Pro [illegible] [illegible] a [illegible] [illegible] [illegible]

in quartiorem [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] Martino, et Vincentio [illegible] de Pradellis [illegible]
[illegible]. Et dubio [illegible] [illegible] [illegible] affirmative in favorem [illegible]

[illegible] ad [illegible] die [illegible] 160[illegible] [illegible]

[illegible] [illegible] in [illegible] [illegible] publica [illegible] [illegible] [illegible], quod in pred.
[illegible] [illegible] [illegible] in animum [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] retinere [illegible] [illegible] in [illegible] [illegible]
ubicunque [illegible] [illegible] [illegible] nulla est tempo[illegible] [illegible] [illegible]
ad animum [illegible] [illegible] [illegible] in anno [illegible] primo, [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] decem [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] nullam [illegible] dubitationem.

Non obstat [illegible] [illegible], quia licet [illegible] [illegible] [illegible] in [illegible]
[illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] colonus [illegible] [illegible]
[illegible] [illegible] tamen [illegible] [illegible] [illegible]. Et adeam [illegible] [illegible] [illegible]
[illegible] [illegible] de antiqui. tempo. [illegible] 4. [illegible] [illegible] [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible], quia nulla [illegible] [illegible] ad [illegible]
[illegible] [illegible] ad utile [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et colonus nullam [illegible] habet nec naturalem, nec civilem, [illegible] [illegible]
[illegible], sed solam detentionem [illegible]. ut in l. [illegible] [illegible] de [illegible] quod habet
locum non solum in [illegible], et etiam in [illegible] [illegible] [illegible] [illegible]
locationem [illegible] [illegible] Paul. de Castro in [illegible] [illegible] [illegible]. et [illegible]
[illegible] [illegible] [illegible] [illegible] possessionem [illegible], [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]. [illegible] [illegible] de [illegible] [illegible] [illegible], quia [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]. Non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], nam ille [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], [illegible] nulla omnino locatio [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sed non [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible].

[illegible] [illegible] in futurum [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible]
[illegible], quae non apparet in decime [illegible], vel [illegible] [illegible], vel [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] etiam [illegible] [illegible] censeri habere [illegible] [illegible] quam locationis

habitu ratione quod nomine Lorgantium dantur ex d[ict]is ..... medica ... alii pensio non correspondens, praedictis ... similis ... pensio pertinet quia respondet quod verba contractus denominare contractum iure emphiteutico ... quibus verbis in dubio standum est ... ad ... ff. de contrah. emp. nullum enim est maius veriusque testimonium, quam quod ex ipsa verborum ... in c. i. de testib. ... loquela hominis animus eius indicatur, ut ... in l. ... in Epistola ... quaest. ...

... respondetur ... contractu emphiteutico ... emphiteusis ... de iure et de consuetudine ... leges ... emphiteuticus quaest. 3. ubi praestatio modica pensio in domum ... emphiteusis quam locatio ... praestatio in pecunia ... aliqua ... quia hinc debet potius iudicari locatio quam emphiteusis, ut ... emphiteusis quaest. ...

... emphiteuticum quam locationem ... in ... respondere ... de quibus in locatione, ubi ... iure ... emphiteuta ... rem inrequisito domino ... a iure ... in emphy. ... quaest. 13. ... emphiteusis ...

... contractus fuisse emphiteuticum ... cadendi a iure ... fuisse simplicis locationis ... conditiones ... in dubio locatio ... magis quia ... debet ... colorandi esse. ...

... infirmari debet ... magistro ... Mediolanensi ... nominatur ... habere compellit.

De anno 1562 ... D. Daniel Antoninus emit responsionem livellariam pro capitali d. 50 a ... delle Longa ... terre descriptis ... ff. 23. inter quas est campetus in ... de S. ... qui quidem campetus postea pervenit ad manus ... de ... et postea ad manus ... D. ... qui ... creditori ... refecit ... campetum ... ff. 17.

De anno 1561 ... emit ab heredibus ... delle Longa quandam Braydam de ... cum ... onere ... D. Antonino ... supra ut ff. ...

... Braydae ... pervenit postea ad manus ... heredes ... venerunt ... ad manus ... de ... qui procederunt habebit ... libere ... iure liberi de anno 1592. ut ff. 15.

Pro ... Brailelli Alleg.

D. Antonini pro consequendo capitali et decursis [illegible] faciendi [illegible]
hypothecatas in [illegible] 1602. fol. 23. et [illegible] etiam campum de S. Maur.
[illegible] p. D. Bramhilla
et cum plene non esset satisfacti agebat etiam [illegible] D. Ioannis Iosephi [illegible]
praetorem Braydi de [illegible] hypothecae, ut vel solueret, vel relaxaret.
antequam tamen haec controversia [illegible] debitor principalis livelli
integre satisfecit D. Antonino [illegible] solutionem restituit etiam [illegible]
et restituit D. Bramhillae campum de S. Maur.
Non tamen [illegible] huic restitutioni D. Bramhilla quippe qui [illegible] se [illegible]
[illegible] in [illegible] quo erat [illegible] campus [illegible] et in [illegible]
expensis [illegible]; et [illegible], et expensas [illegible]
D. Ioannem Iosephum [illegible] Braydi de [illegible] livello Antonii
~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible]
~~[illegible]~~ [illegible] [illegible] [illegible] contendenti cum D. Antonio [illegible]
[illegible] contendere [illegible] se non posse.
D. Ioannes Iosephus dixit nullo [illegible], et [illegible] quidem [illegible]
[illegible]
Nam licet Braydi de [illegible] [illegible] de anno 1581 hypothecam [illegible]
livello D.ni Antonini quod [illegible] super [illegible] bonis Petri della
Longa continetur; non tamen apparet quod [illegible] generalis vel specialis
[illegible] pro [illegible] [illegible] de S. Maur [illegible] ad [illegible]
Bramhillae, nec quod [illegible] [illegible] hypotheca
[illegible] campo de S. Maur.
[illegible] D. Bramhilla praetenderet omnia bona [illegible] de [illegible]
eius [illegible] hypothecam pro campo, sed etiam bona Petri della Longa
[illegible] generaliter, hinc [illegible] non [illegible] bona [illegible]
[illegible] fecit [illegible] bona Petri della
Longa antequam [illegible] ~~[illegible]~~ possessores prout est D. Ioannes Iosephus
quod quidem non fecit [illegible] de S. Maur [illegible] et deliberationi
Praeterea [illegible] quod campus [illegible] tempore [illegible] esset [illegible]
et [illegible] pertinentibus [illegible] Petrus
[illegible] quod [illegible] probat [illegible] quod erat necessarium [illegible] D. Ioannes
Iosephus [illegible] [illegible]
Et licet in processu [illegible] relationis aestimationis [illegible] pro Bramhilla [illegible]
~~[illegible]~~ quod aestimatio [illegible] Iulii 1599. ut fol. 30. et
[illegible] se [illegible] in [illegible]. Et tamen deliberatio
[illegible] Petri [illegible] nempe [illegible] Iulii 1598. ut
fol. 2. [illegible] unde [illegible] quod [illegible] de anno 1599. quod [illegible]

fuisse [illegible] de anno 1498. [illegible] [illegible] non [illegible] [illegible] non tamen fuit [illegible] [illegible]. [illegible] [illegible] ut [illegible] [illegible] [illegible] compulsionis [illegible] [illegible] tempore deliberationis, ut [illegible] [illegible] [illegible], et propterea quando [illegible] [illegible] [illegible] [illegible] ad [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] terminis [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] debet et quod [illegible] [illegible] post instantiam [illegible] quod est in [illegible] [illegible] [illegible].

Compensatio pro [illegible] ad infirmandum [illegible]

[illegible] [illegible] [illegible], ut [illegible] ad infirmandam [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quaestionis [illegible] [illegible] cum [illegible] tamen quod [illegible] [illegible] [illegible] pro [illegible] [illegible] ad [illegible], et [illegible] [illegible] calumniatoris [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quomodocumque, et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] calumnia, quam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad omne [illegible] [illegible].

Pro Consortibus Pigliamontibus de [illegible] contra Baracchi [illegible]

Petrus [illegible] antiquitus [illegible] [illegible] [illegible] unum [illegible] Consortibus Pigliamontis [illegible] ~~[illegible] [illegible]~~ [illegible] de [illegible] [illegible] [illegible] campo [illegible] campo del [illegible], ut constat ex [illegible] [illegible] [illegible] [illegible] [illegible] de Pigliamontis de anno [illegible] [illegible] in processu fol. 16.

[illegible] de anno [illegible] [illegible] Pigliamontis [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], ut constat ex [illegible] Campani [illegible] fol. [illegible] [illegible] [illegible] [illegible] Petrus [illegible] [illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

In bonis [illegible] Petri [illegible] successit [illegible] Petrus Baracchinus pater [illegible] Baracchi [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fol. 26. [illegible] fol. 29. [illegible] fol. 31. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et aliis, et inter caetera bona [illegible] [illegible] [illegible] [illegible] campo del [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fol. 29. 4. et [illegible] fol. 28. et 3. fol. 30. [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], ut [illegible] [illegible] [illegible] [illegible] [illegible] fol. [illegible] fol. 29. et [illegible] fol. 30. ~~[illegible] Baracchinus pater [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fol. [illegible] [illegible] fol. [illegible]~~

et licet nonnullas [illegible] contra [illegible] [illegible] in medium [illegible], parum tamen [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible], et in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tamen non probat; [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Baracchinus [illegible] [illegible] [illegible] [illegible] [illegible].

~~[illegible] Baracchinus [illegible] [illegible] [illegible] Petri [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]~~ [illegible] [illegible] Petrus Baracchinus [illegible] pater [illegible] [illegible] [illegible] in bonis [illegible] Petri [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible]

debebat [illegible] medio iudicio revocari eius [illegible] condemnatus fuit
ut patet ex [illegible] [illegible] sub eius [illegible] de anno 1500. fol. 45 et [illegible] eiusdem [illegible]
[illegible] fol. [illegible] quod eadem [illegible] fundamenta habebant in pluribus [illegible]
[illegible] D. Petrus ut deponit testis [illegible] [illegible] [illegible] qui
[illegible] [illegible] [illegible] fol. 44.
Per [illegible] de anno 1500 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
condemnatus fuit ad [illegible] revocari eius [illegible] [illegible] [illegible]
fol. 3.
[illegible] nullum ius competere Baracchinis qui [illegible] temporis [illegible]
[illegible] petendi [illegible] [illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible] quoniam
[illegible] temere et sine causa, [illegible] ut [illegible] Petri [illegible] qui fuit
debitor [illegible] delegatus a [illegible] quemadmodum [illegible] de anno 1500 [illegible]
[illegible] fuit [illegible] fol. [illegible] et licet [illegible] [illegible] delegationis clare [illegible] [illegible] [illegible]
remanet tamen probatus semper et [illegible] [illegible] [illegible] [illegible] sufficienter
[illegible] ut [illegible] in L. [illegible] C. de pac. [illegible] et [illegible]
L. de in rem verso [illegible] C. [illegible] n. 3. sed etiam ex 30 et ultra annos
[illegible] ratione quod ~~de anno 1500~~ Baracchini [illegible] [illegible] condemnatus [illegible]
et [illegible] fundabantur in [illegible] [illegible], qui [illegible] et [illegible]
[illegible], sed non recordari de [illegible] [illegible] [illegible] multo tempore antea
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], sed [illegible]
sed [illegible] ratio [illegible] [illegible] pro [illegible]. Baracchini [illegible] eam
[illegible] [illegible] [illegible] debebant quia ab [illegible] [illegible] recipe-
re, [illegible] ~~[illegible]~~ [illegible] eam [illegible] debebant.
[illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] condemnari ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] legata [illegible]
[illegible] de anno 1500. [illegible] [illegible] fundamento [illegible] quia [illegible] [illegible] [illegible] ad
[illegible] in [illegible] [illegible] [illegible] [illegible] Baracchinis [illegible] [illegible] [illegible]
[illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] fol. 44 [illegible]
Praeterea [illegible] [illegible] [illegible] praescriptio [illegible] 20. annos [illegible] temporis [illegible]
[illegible] omnis actio ut [illegible] C. de [illegible] [illegible] sed 60. annos [illegible]
[illegible] [illegible] [illegible] quod fuit de anno 1500
[illegible] [illegible] [illegible] [illegible] nullum ius competere Baracchinis quia
manifeste [illegible] apparet nullum illis ius competere [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de anno 1500 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fol. [illegible]

[illegible] qui ad agendum admittitur [illegible] [illegible] [illegible] admittendus est C. qui ad agendum de reg. iur. in VI.

Postvaeditis [illegible] Marco et D. Lucretia Vatria

Alleg.

An debeatur contradoss

non stipulata

Item quid [illegible]

nomine [illegible]

Factum se habet quod de anno 1590 d. Lucretia Vatria coniuncta fuit in matrimonio cum Bartholomeo Iuliani de [illegible] cum constitutione dotis d. 200. ~~ut constat ex Chirographo pacto dotalium fol. 9.~~ quas eidem promisit Bartholomeus, ~~quas eidem~~ facere ~~fecit~~ quietationem paternam, maternam, [illegible] [illegible]. De lucro, aut contradote nullum omnino verbum, sed in fine clausula [illegible] adiecta volendo [illegible] le parti che la predetta dote, et contradote debbi essere [illegible] alla Constitutione, et Consuetudine della Patria del Friuli. ut est [illegible] in chirographo pactorum dotalium fol. 9.

Defuncto Bartholomeo absque liberis [illegible] d. Lucretia [illegible] in iudicio illius heredes petit condemnari ad solutionem contradotis promissae quod secundum inveteratam consuetudinem Patriae Fori Iulii, [illegible] debere tertiam partem dotis ut fol. 1.

Ex predictis duo insurgunt dubia. Primo an sit ~~promissa~~ constituta contradote, secundo an debeatur [illegible] [illegible] [illegible] ~~promissa~~ [illegible] [illegible] ~~promissa~~. Utrumque praecedente dubio venit negative resolvendum [illegible] in favorem haeredis.

Nam in chirographo dotali nullibi apparet contradotem fuisse constitutam et verba illa che la predetta dote, et contradote, cum de contradote ~~nihil fuerit~~ nullum verbum factum fuisset, [illegible] potius inutilia [illegible], quando dispositio refferens est incerta, et in dubio non apparet relata dispositio [illegible] est. [illegible] [illegible] de [illegible] [illegible] ib. n. iii in [illegible] Bal. in L. 2. 2. [illegible] C. de con. [illegible]. quod [illegible] [illegible] confiteor prout in illis [illegible] continetur, et [illegible] [illegible] [illegible] non [illegible] aliquid confessus. Roma. in q. 294. nu. 2. fo. 1. qui plures habebat liberos. ff. de [illegible] leg. ubi [illegible] relictum prout in codicillis est dispositum ~~[illegible]~~ [illegible] alio modo si nihil est de ea in codicillis idem scribet etiam [illegible] in c. ex parte de [illegible] [illegible]. 13. ex predictis igitur apparet nullam fuisse ~~constitutam~~ illam contradotem. Nam, et [illegible] minus [illegible] regulam habeamus quod semper in contractibus fit interpretatio contra illum qui fundatur in verbis. L. 1 [illegible] ff. de pac. et [illegible] [illegible] 200. 213

Et [illegible] [illegible] dicere verbum illud [illegible] referri ad alia verba dotis [illegible] ~~[illegible]~~ dote, et quantum contradotis et [illegible] [illegible] [illegible] dicere [illegible] ~~[illegible] contradotem~~ [illegible] [illegible], quasi contrahentes [illegible] voluerint, quod predicta dos, et contrados quoad [illegible] [illegible] ~~[illegible]~~ consuetudini [illegible], non inducens ~~[illegible]~~ secundum dubium [illegible] [illegible] an scilicet contradote [illegible] [illegible] consuetudine licet non fuerit in stipulatione deducta: ~~[illegible]~~ [illegible], quia licet de iure [illegible] aequalitas [illegible] [illegible], et donationem propter nuptias in [illegible] dote ponit mulier maritum [illegible] ad constituendam [illegible] donationem in [illegible] [illegible] dos [illegible]. C. de dona. ante nup. et quantum [illegible] [illegible] [illegible] [illegible] debet de dote, tantundem [illegible] [illegible] donatione, licet nullum [illegible] in [illegible] talis donationis intervenerit, quia pacto dotis [illegible] donatione [illegible] [illegible] in [illegible] [illegible]. quod [illegible] [illegible], tamen si non fuerit constituta contradote, [illegible] mulier [illegible] constante matrimonio [illegible] et pacto dotale fuerit de [illegible] [illegible] [illegible] nec contradotem [illegible], quod nulla fuit, ut [illegible] C. de don. an. nup. n. 9. et communem [illegible] [illegible] in [illegible] [illegible] [illegible].

12 35

Non est constitutione Dni quia [illegible] [illegible]. Non etiam ex consuetudine, neque [illegible]
quia [illegible] quod dispositio [illegible] de dom. in [illegible] [illegible] quod [illegible]
contractus hodie [illegible] in [illegible] dicit Clar. [illegible] referens in [illegible] [illegible]
neque particulari [illegible] Romanae quia hic [illegible] [illegible] [illegible] contractus in
[illegible] Paris. [illegible] 35. [illegible] 32. lit. Z. et aperte colligitur ex eo quod indicavit [illegible]
Joannes de [illegible] anno 1555 cum D. [illegible] [illegible] [illegible]
Federici de [illegible] quod [illegible] se [illegible] pro contractu, quamvis illius [illegible]
[illegible] omissa fuisset, ei ipse abstinuit [illegible] ut fol. 36. [illegible] ex eo quod de
anno 1564 [illegible] D. [illegible] ~~[illegible]~~ [illegible] cum D. [illegible]
[illegible] D. [illegible] de [illegible] [illegible] dixit quod [illegible] contractum petitum, cum esset [illegible]
non appareat de contractu [illegible], nec quod non per ipsa [illegible] [illegible]
[illegible] ut fol. 42 [illegible] quod de anno 1573 [illegible] D. Malvezzi inter
D. [illegible] [illegible], et D. Joannem de [illegible] judicavit dicens, et [illegible]
contractus [illegible] ne proprie [illegible] ad [illegible] D. Jacobi [illegible]
[illegible] [illegible] quicquid semel in contractu [illegible]
[illegible] D. [illegible] de anno 1570 [illegible] ad [illegible] [illegible] [illegible] neque [illegible]
in [illegible] [illegible] [illegible] [illegible] [illegible] D. [illegible]
[illegible] aperte colligitur ex quod D. [illegible] [illegible] indicavit ~~[illegible]~~ ad [illegible]
[illegible] Malvezzi, et cum D. [illegible] de [illegible] in causa et [illegible] processu [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] dum dicit quod
nullam videt consuetudinem in patria, quod maxime [illegible] ad faciendam contractum
[illegible] [illegible], et de [illegible] constitutione [illegible]
quod in processu [illegible] in contrarium producit quod [illegible] in [illegible]
[illegible] D. [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] D. [illegible] [illegible] indicit [illegible] ut contractus
[illegible] constitutum non debeatur: [illegible] cap. fol. 24 [illegible] testes [illegible]
[illegible] quod continet [illegible] [illegible], [illegible] quod [illegible] [illegible] [illegible] contractum
[illegible] quamvis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible]
capitulum illud [illegible] [illegible] [illegible] [illegible] quod non [illegible] in [illegible]
[illegible] testes examinat in causa D. [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ [illegible] [illegible] capitulis quod contractus intelligitur [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod contractus [illegible]
[illegible] non fuerit constitutum.

[illegible] [illegible] debere [illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] [illegible], quia [illegible] in [illegible], cum tamen
[illegible] in [illegible] [illegible] [illegible] [illegible] [illegible], [illegible]
[illegible] quod [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible]
[illegible] [illegible], quod non est [illegible] [illegible] l. [illegible] 1. 1. [illegible] de [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] ut [illegible]

[illegible] causa inter D. Georgium de [illegible] [illegible] Daniele [illegible] [illegible] Dallevium de [illegible]

Distributione tra li obblighi della Cappella di S.ta Croce di Salmastre | Per risolutione di diversi dubij che sono stati proposti sopra la Cappella di S.ta Croce nella Chiesa maggiore di Salmastre. Praemittendum [illegible]

P.o quod ius patronatus quatuor principalibus modis [illegible] dotatione, constructione, et fundatione acquiri [illegible] [illegible], quod est necessarium ad creandum ius patronatus tam in clerico, quam in laico. Lamber. in tra. de iur. patro. lib. 1. q. 1. art. 1.

2.o praemittendum est quod si cappella aedificatur in [illegible] Ecclesia, [illegible] aliquid laicus, [illegible] [illegible] Ecclesia acquirit [illegible] in illa Cappella, et in praesentatione concurrit cum laico fundatore, et dotatore. Ab. in c. ad audientiam. ult. de [illegible] ecclesia. [illegible] Lamber. lib. 1 q. [illegible] [illegible] quod [illegible] Ecclesie in qua [illegible] est acquirit ius patronatus in d. Cappella ad quemcumque aedificante, et dotante, et [illegible] concurrit ad praesentand.

3.o quod fundatio [illegible], vel dotatio [illegible] fundationis dotationis, vel constructionis potest apponere quascumque conditiones, reservationes et pacta, iura [illegible] Lamber. q. 79. lib. 1. art. 12. et [illegible] esse in limine [illegible] [illegible] conditiones, idem q. 80. 4. art. 35.

Per risolutione di questi dubij, che sono stati proposti sopra la Cappella di S.ta Croce nella Chiesa maggiore di Salmastre [illegible] il seguente [illegible]

delle scritture che sono state [illegible] comprende che li beni per l'importanza di mille [illegible] [illegible] [illegible] per dote della Cappella [illegible] il S. Cesare [illegible] che [illegible] alla presen.

le Beni si debbano consignare | di mandò un'altra dichiaratione a Mons. Ill.mo [illegible] questo assegnamento, et poi nel suo [illegible] ordine che [illegible] certi beni [illegible] del testamento

sule non è dubio alcuno che questa consignatione si ha da fare di quelli beni che saranno convenienti a Mons. Ill.mo Vescovo, il consenso del quale [illegible] ricerca; ne restano questi obligati gli heredi del S. Cesare o loro Curatori a dar quelli che sono nominati nell'[illegible] se non in quanto che concorre il consenso de Vescovo, [illegible] in assignatione dotis requiritur consensus dioecesani, ut [illegible] Lamberti [illegible] de iur. patro. [illegible] art. 1. quest. [illegible] 1. lib. [illegible] 40. onde non [illegible] il S. Cesare [illegible] deliberare.

et se bene par conveniente che debbano esser consignati beni dell'heredi medesimi della S. Giulia [illegible], [illegible] che così determinano il V. [illegible] nell'erettione della cappella, et [illegible] Mons. Ill.mo Vescovo nel decreto di [illegible] [illegible] [illegible] integra [illegible] [illegible] presentare una [illegible] di beni [illegible] che possino esser più utili [illegible] alla cappella si fa deputare un estimatore il quale [illegible] l'importanza loro et che [illegible], [illegible] il decreto del Vescovo.

se il cappellano della [illegible] tutti i frutti del [illegible] dell'institutione | quanto alli frutti, [illegible] institutionis [illegible] [illegible] 1596. [illegible] il quale [illegible] [illegible] d'accordo.

[illegible] il cappellano non habbi [illegible] all'obligo [illegible] che non habbi

15[illegible]

soddisfare all'obligo di dir le messe di S. Gregorio ogn'anno per ciascuno delli nominati dalla testatrice nel suo testamento, conforme a quanto si deve credere che la testatrice intendesse etc., perche sarebbe soddisfatto all'obligo imposto nell'institutione di dire ogni giorno una messa, et per queste una alla settimana pro animis defunctis, [illegible], et à bene [illegible] non dovesse dirsi la messa [illegible] da altri sacerdoti, perche [illegible] non possit [illegible] cappellaniae [illegible] celebrare [illegible] in eius fundatione [illegible], quod [illegible] celebrare [illegible] missas [illegible] declaravit Sacra Cardinalium Congregatio [illegible] Concilii [illegible] in lib. [illegible] 644. et 857.

Ma [illegible] le messe [illegible] all'obligo [illegible] nell'institutione per [illegible] ogni giorno messa in questo caso [illegible] che non possono [illegible] per [illegible] beneficiati [illegible] et [illegible], unde cessante [illegible] officio [illegible] ad institutionem [illegible] Bal. in l. i. in prin. C. de [illegible]. Angel. in l. [illegible] Felin. in c. [illegible] nu. 33. de [illegible], et alii [illegible] quod [illegible] ad [illegible] in c. [illegible] de cler. coniug. nu. 2. et [illegible] in c. i. de celebr. missa. nu. 8. [illegible] opinione [illegible] [illegible], et [illegible] in [illegible] animo, [illegible] ad restitutionem fructuum. [illegible] in caso [illegible], quod longe [illegible] est [illegible] che non [illegible] i frutti non [illegible], ma [illegible] altri arbitrio ordinario si debbano distribuire ò in elemosina à poveri, ò in fabrica della cappella [illegible]. Bullam Pij V. [illegible] latamente [illegible] promulgatam [illegible], quae bulla reperitur [illegible] in fine [illegible] Navarri. de redd. [illegible].

quanto alli heredi tenuti che soddisfacendo al [illegible] [illegible] i die [illegible] della [illegible], nel [illegible] i die [illegible] beneficiati, perche [illegible] delli nominati [illegible] et per anime defunti [illegible] demandarem, unde non debene [illegible], nel [illegible] concessi. questi poi devono esser [illegible] à arbitrio ordinario, [illegible] parte in fabrica, et ornamento della cappella, parte in [illegible] dell'[illegible] il qual [illegible] benefitio alla Chiesa [illegible] il rispetto [illegible]

Circa all'obligo del cappellano per quella clausola della testatrice quod heredes [illegible] [illegible] di [illegible] à dire le messe di S. Gregorio per ciascuno delli nominati [illegible] messe [illegible], perche così verisimilmente [illegible] credere che la testatrice [illegible] et questo [illegible] che [illegible] [illegible] prima [illegible] altre messe, [illegible] corporis.

[illegible] erectione della cappella [illegible] dubio rispetto all'institutione nella quale [illegible] l'obligo di una messa [illegible] et per queste una alla settimana pro animis defunctis; [illegible] quod [illegible] tempore fundationis [illegible] in beneficio [illegible]

[illegible] heredi tenuti alli frutti [illegible] della Cappella

che obligo habbi il cappellano [illegible]

[illegible] [illegible] nell'[illegible] [illegible]

alcuni Dottori

et in hoc tollit dividendo Epis, et Patronus tunc concordes. Dec. in cit. ivi Lambert. in
de iur. patr. lib. 3. artic. 3. q. 1. artic. 7. q. 27. Rot. de Luca in [illegible] pro
la quale de Diocesani consensu n. 29. de iur. patr. come nel caso nostro sia stato
~~[illegible]~~ Mons. Ill. Vescovo e dell'O. Benedetto. ma ~~[illegible]~~ il Vescovo, nell'
O. Benedetto all'incontro detto come si comprende dall'erettione in quella Cappella
q in missas grandiu [illegible] de [illegible] pro qualibet hebdomada pro [illegible]
[illegible] celebrare teneat cappellanus in eodem altare [illegible] [illegible].
E tutto continua [illegible] [illegible]. praeterea [illegible] non continet in tutto [illegible] ex eo
[illegible] errore [illegible] in hoc [illegible] quam [illegible] ~~[illegible]~~
~~[illegible]~~ [illegible] consensu. L. [illegible] errore. ff. de iur. [illegible].
Et conseguenza [illegible] de ~~cappellano~~ l'[illegible] [illegible] de le ancora. [illegible]
[illegible] de Mons. Ill. et li Heredi del O. Benedetto à [illegible] considerando il
tutto [illegible] qualche forma in quello, come più abasso si considerarà.

se il cappellano sia tenuto alla residenza che sono quelli delli altri cappellani nella Chiesa.

quanto al Cappellano se si obliga alla residenza, che sono quelli deli altri cappellani nella Chiesa, e l'erettione della Cappella [illegible] ~~[illegible]~~ [illegible]
[illegible] non [illegible] [illegible] [illegible] parte dell'emolumento di [illegible].
al quale [illegible] de li Heredi [illegible] come [illegible] come si detto di sopra, [illegible]
[illegible] che non [illegible], ~~[illegible]~~ questo peso non [illegible] nell'institutione
[illegible] non tenet [illegible] ad faciendam hebdomadam [illegible] cappellani, [illegible] institutio [illegible]
[illegible] non habet, nec enim tenet [illegible] [illegible] ultra [illegible] in institutione Beneficij
[illegible] [illegible]. [illegible]. de electo ut alijs allega. [illegible] cons. 96. vol. 2.
in 3. dubio. quinimmo etiam [illegible] Beneficiati in [illegible] [illegible] [illegible],
[illegible] [illegible] non deberet [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ad praescriptionem, [illegible] [illegible]
[illegible]. ut [illegible] [illegible]. et [illegible] Lambert. de iur. patr. lib. 3. q. 27. artic. 6.
in princ.

ma perche l'erettione della cappella [illegible] più oppositioni [illegible] [illegible] qualche
[illegible] come più a basso si vedrà.

le oppositioni sono [illegible] [illegible] bisognava che [illegible] l'effettiva [illegible]
[illegible] [illegible] di [illegible], [illegible], [illegible] del Vescovo, [illegible] come si è detto di sopra
[illegible] Diocesani [illegible] in [illegible] [illegible], [illegible] non [illegible] [illegible]
si può dire [illegible] [illegible], [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible].

2. bisognava nel dare il carico al cappellano [illegible] [illegible] della Cappella
[illegible] [illegible] [illegible] [illegible] [illegible] Episc. et
Patronus [illegible] le conditioni, che non è [illegible] [illegible] il tutto
[illegible] [illegible] al cappellano come appare.

esser [illegible]

3. bisognava [illegible] il consenso del Rettore della Chiesa in qua est cappella
[illegible] [illegible] [illegible] in qua Cappella [illegible] est [illegible] [illegible]
[illegible] [illegible] Cappella cum [illegible], et [illegible], [illegible] [illegible].

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Rectorem. nel Cappellano di d. Cappella concurrit ad d. patrono edificante, con dotarne. Abb. n. c. ad andiens il p. n. ei. de tale editi. Lamber. in tract. de iur. patro. lib. i. fl. 73. [illegible] talis ipsa di jure fundata est cappella [illegible] de iur. patronatus laicor., quia tunc ratione talis erit [illegible] appellare [illegible]. Lamb. fl. 72 ubi supra.

Era dunque necessario il consenso del d. Pievano e la Chiesa d'[illegible], che è detta [illegible] Contrada di Salvaspone, che è loro jus patronato. Il che non essendo stato fatto [illegible] questa chiesa possa ricever [illegible] autorità del [illegible] et consenso delli Curati di [illegible] dell'Altare [illegible] Cappellano.

Però [illegible] che quando Mons. Ill.mo visitò la Chiesa di Salvaspone fossero presenti il Pievano, il Cappellano, et li detti Contrari; et venendo all'Altare di [illegible] gli domandasse al Pievano che Altare è quello, et egli gli rispondesse che è un Altare al quale fino dal 76. furono lasciati [illegible] [illegible] dalla [illegible] [illegible] q. [illegible] Conte Camillo di [illegible] d. mille ducati [illegible] [illegible] [illegible] [illegible] [illegible] d'un Cappellano da eleggersi dalli [illegible] [illegible] [illegible] patronato. Et che questa [illegible] [illegible] [illegible] l'Altare di detta Cappella [illegible] Mons. [illegible] [illegible] [illegible] il quale però sempre [illegible] l'Ecc.ma [illegible] [illegible] Pievano [illegible] quello che fanno gli altri Cappellani [illegible] universale.

[illegible] poi che Mons. Ill.mo [illegible] al Cappellano [illegible] [illegible] [illegible], et [illegible] quelle che [illegible] [illegible] l'erettione della cappella, et [illegible] delle [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et che [illegible] [illegible] questo [illegible] [illegible] un Decreto [illegible] quod in erectione Cappellae non appareat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] de cuius [illegible] [illegible] [illegible] [illegible] Cappellae [illegible] quod [illegible] Cappellae non [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] Cappellano, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible]. et che [illegible] al [illegible] l'autorità della quale [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] riforma.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] d. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] d. [illegible] [illegible] ad [illegible], [illegible] [illegible] [illegible]. che si desse il carico al Cappellano [illegible] [illegible] [illegible] [illegible] et Curati, [illegible] che con la volontà di questi si potrebbe [illegible] [illegible] [illegible] [illegible] le conditioni [illegible] [illegible] in fondatione, et che al Cappellano [illegible] [illegible] l'obblig. [illegible] quello che fanno gli altri cappellani nella Chiesa dove è [illegible]

[illegible] [illegible] [illegible], [illegible] maxime [illegible] [illegible]
[illegible] depositi à dd [illegible] [illegible] quemadmodum [illegible]
[illegible] [illegible] diminuere qualitates, et conditiones appositas [illegible] de [illegible] missis
celebrandis et [illegible] [illegible], cum [illegible] facultatibus, et [illegible] [illegible] [illegible]
et debet augere missas et [illegible] accedente maxime consensu patronorum [illegible] [illegible]
Lambert. lib. 3. [illegible] 7. [illegible] 28.

Pro Sebastiano Gasparis [illegible] Camerarii flandri [illegible]

Ex deductis in processu manifeste patet quod Sebastianus Gasparis omnia contenta
in [illegible] [illegible] adimplevisse, siquidem sub die 14. Junii pro anno [illegible] ibi
exhibuit Camerarius [illegible] in specie et pro [illegible] anno 98 et 99. [illegible] [illegible] [illegible]
[illegible] quas [illegible] recusaverint camerarii accipere depositavit in manibus [illegible] flandri
[illegible] ad omne beneplacitum Camerarii. [illegible] sub die 4. [illegible] depositavit in
manibus Cancellarii [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. proinde
[illegible] est Camerarii [illegible] [illegible] quod [illegible], [illegible] [illegible] non
exhibuerint [illegible] quia nunquam [illegible] quod Sebastianus [illegible] [illegible] [illegible]
[illegible], sed [illegible] [illegible] [illegible] Camerarii [illegible] fuerint pecunias depositas [illegible] sufficientes,
ut [illegible] recusaverint accipere quia [illegible] [illegible] [illegible], et [illegible] [illegible]
[illegible]. Propterea cum a die [illegible] [illegible] [illegible] [illegible] lapsi fuerint non solum
[illegible] dies, de quibus in [illegible] [illegible], sed etiam [illegible] menses, et amplius [illegible] indicatur [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] appellatum, quippe [illegible] [illegible] propriae [illegible]
ut rem et pretium retineant aut saltem quanto [illegible] longius [illegible] rem [illegible] quod
religio [illegible] tolerare [illegible] non debet sed declarare [illegible] [illegible] [illegible] favorem Sebastiani
[illegible] [illegible] appellans [illegible] [illegible] [illegible]

Pro D. Blasio Micossio contra Mattheum [illegible] libellos.

D. Blasius Micossius appellavit à [illegible] declaratione [illegible] D. Gubernatoris qua manda-
[illegible] [illegible] [illegible] ad [illegible] [illegible] concedendi et [illegible] [illegible] [illegible]
[illegible] [illegible] siquidem in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] proponendi quod [illegible] [illegible]
[illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] debere [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] Matthias [illegible] [illegible] [illegible] [illegible] dotem [illegible]
D. Blasius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tamen non in [illegible]
[illegible] [illegible] petit, sed [illegible], siquidem D. [illegible] [illegible] reliquit [illegible]
[illegible] [illegible] et [illegible] [illegible], nempe [illegible], Blasio, et [illegible], [illegible] [illegible]
[illegible] [illegible] tamen [illegible] pertinet ad fratres [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] autem [illegible] [illegible] [illegible], D. Blasius [illegible]
quod [illegible] debeat [illegible] [illegible] et describere [illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible] de anno 1690. et sic [illegible] annos ante [illegible]
D. Blasii [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]. [illegible] et
deductis [illegible] [illegible] [illegible] [illegible] [illegible] quod causa [illegible]; et [illegible]
[illegible] [illegible] [illegible]

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D. Mag. Achilis Merlini contra Natalem Caroli libellus in contractu permutationis

Omissa libelli formula ordinaria proponit Mag. Achilles Merlinus de Mestrina contra Mag. Natalem Caroli de Mestrino, quod de anno 1584 inito contractu permutationis inter eum et q. nob. D. Josephi de Pompeis, dedit dicto quondam petiam terrae, iacentem in loco Bassalte confinantem ab una parte q. Petro Caroli a meridie ... illa publica, a ... omnis Domino de Pompeis, accepit autem ab eo terram q. campos in circa in loco dicto Chiesura ... et quoniam ... accepta in permutatione plurimis ... D. 46 ... accepta in pecunia ... Mag. Achilles ... et praecipue bonis permutatis ... quod post ... processus ... in ... recepta ... et ... de Pompeis eiusdem D. Josephi ... potuerit ... in permutationem ... omnia iure debeant ... in permutatione ... dicta; et quia reus ... possidet praedictam petiam terrae in Bassalte et sapiens ... requisitus ... ideo D. Mag. Achilles petit eum condemnari ... Mag. Achilli ... expensis ... [illegible]

incumbit ... possidet petiam terrae in Bassalte de ...

producat instrumentum permutationis,

instrumentum ... pati ...

Petitio ... [illegible]

et docet aliquo modo ... Josephi ... feudalis

L'interesse della dote ... del S. Giudice ... alcuna ... cosi ... della il peso del matrimonio ... l'interesse ... et questi interessi ... ; di quali quello ... del matrimonio, et la ... della moglie ... del marito ... della porzione di beni ... di quali ... la dote ... et della qual porzione di beni ... la donna ... la costitution della dote. Et questi interessi ... la dote ... i beni, i frutti di quali sarebbero ... le spese del matrimonio ... il capitale in piedi.

~~...~~ ... opporre al S. Giudice ... dimandar ... perche ... promessa la dote ... semplicemente, ma ... ... delli patti dotali ... sempre ...

debitores in mora. Non così avviene dell'interesse addimandato dal C. Germanico perchè è commune opinione di [illegible] da [illegible] che [illegible] [illegible] [illegible] et [illegible] interesse illud censeat remisisse: tanto più nel caso nostro nel quale il C. Gioantonio ha vissuto [illegible] anni dopo, [illegible] ancor testamento, et [illegible], et [illegible] di molte cose [illegible] di questo [illegible] [illegible] [illegible] parlare.

L'interesse poi [illegible] [illegible] [illegible] cum ipsa dote di maniera che in concorso di altri creditori [illegible] tempo che fu promessa la dote [illegible] del 60. [illegible] [illegible] come nondimeno ha il privilegio nella prelatione [illegible] riguardo al [illegible] del 60.

È ancora ragionevolissima l'instanza della S. Francesca mentre domanda d'esser dotata ugualmente con l'altre sorelle, [illegible] almeno quanto importa la sua legitima [illegible] è leggi [illegible] [illegible] [illegible] l'egualità fra i figliuoli [illegible] dalla [illegible] [illegible] il [illegible] [illegible] la [illegible] quando non [illegible] convenientemente dotata et nel caso nostro non è punto da dubitare che la dote della S. Francesca non [illegible] [illegible] [illegible] matrimonio così principale [illegible] [illegible] all'honorevolezza delle famiglie così di [illegible] come [illegible] et la [illegible] del dotare [illegible] quel tempo [illegible] del 60. [illegible] [illegible] [illegible] una dote congrua riguardando alle [illegible] del patrimonio, alla qualità [illegible], alle conditione delle famiglie. [illegible] ne fa [illegible] il C. Gioantonio medesimo [illegible] padre [illegible] [illegible] pro filiis [illegible] [illegible] [illegible] [illegible] nel [illegible] [illegible] maggior dote [illegible] ~~[illegible] del [illegible] [illegible] del 60~~ [illegible] la [illegible] della [illegible] 133. de leg. filiab. [illegible] quod [illegible] aliquid reliquerit [illegible] debeat [illegible] [illegible] legitima [illegible] [illegible] [illegible] che la [illegible] [illegible] procede [illegible] quod [illegible] [illegible] [illegible] [illegible] dote et [illegible] [illegible] qualitate, quod [illegible] [illegible] [illegible] tenentur [illegible] supplere [illegible] [illegible] questa conditione chiaramente [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non debet [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] conditione [illegible] [illegible] [illegible] dunque non [illegible] [illegible] conditione [illegible] [illegible] [illegible].

[illegible] [illegible] considerare che il [illegible] fu fatto del 1596. nel qual tempo [illegible] di mille [illegible] era congrua [illegible] [illegible] la S. Francesca del 60. il tempo ha [illegible] come ogni [illegible] [illegible] [illegible] nelle doti, [illegible] il C. [illegible] Gioantonio [illegible] [illegible] [illegible] [illegible] [illegible] nel [illegible] la dote [illegible] [illegible] [illegible], et haverebbe [illegible] maggior dote alla S. Francesca [illegible] [illegible] [illegible] mentre [illegible] [illegible] di mille [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Oltre [illegible] [illegible] [illegible] con li [illegible] della [illegible] [illegible] [illegible] [illegible] del 57. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] del 64. [illegible] [illegible] [illegible].

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ne segue che la medesima C. Francesca habbi tamen [illegible] ancor dal C. Mario Olivero, poiché quest'ultimo [illegible] a contemplatione del padre, cioè del C. Giambattista ma della medesima C. Francesca, sua [illegible] del C. Mario, essendo [illegible] di figliola, et questo si presume ancor in dubio, cum id censeatur data contemplatione mulieris donatae, non autem patris ipsius mulieris, unde non erit inquirendum in dote debitum in bonis patris.

2° Si soggiunge che con ragionevole la pretensione del fideicommisso in persona della C. Francesca [illegible] essendo alla superstite

et se bene sia stata una conclusione disputata assai quando si tratta del fideicommisso d'un ascendente se i figlioli rappresentano la persona del padre. ~~[illegible]~~ tamen, nondimeno quelli ancora che tengono la parte affirmativa danno una limitatione che non proceda, quando nepotes qui volunt admitti in locum patris et concurrere cum patruis essent concepti post mortem testatoris; quia tunc non [illegible] nelli fideicommissi si riguarda all'affetto del testatore, il qual maggiore si presume verso il più prossimo, che verso il più lontano, et nel caso nostro tutti i nepoti erano concepti post mortem testatoris [illegible] ipso [illegible] legittimi.

2do Danno un'altra limitatione che non proceda ubi nominati filii [illegible] dicat in testamento [illegible] filiis meis [illegible], quia tunc non veniunt nepotes et quicunque [illegible] et così avviene nel caso nostro, perché il C. Giambattista legavit [illegible] et heredes eius filios, et postea instituit heredes Bartholomeum, et Bonifacium eius filios [illegible] lege quod in casu quo decederent sine legitimis heredibus, quod tunc [illegible] filios succedere debeant in hereditate.

3° Danno un'altra limitatione, che non proceda ubi nepotes substituti essent vocati nomine proprio, vel etiam ubi nominati non essent facta nomine proprio, sed [illegible] dictis [illegible], aliis, quis, et similibus nomina relativa, quod pro tunc natura debent facere relationem personalem.

Dimanieraché o è vera l'opinione di quelli dottori che tengono nelli fideicommissi che li figlioli non rappresentino la persona del padre, et la C. Francesca [illegible]; o è vera la contraria che li figlioli rappresentino la persona del padre, et la C. Francesca medesimamente [illegible] perché siamo nel caso delle limitationi, cioè che nepotes fuerunt concepti ~~[illegible]~~ post mortem testatoris, et [illegible] patruis [illegible] nei quali casi anco quelli che tengono la contraria lo hanno limitando che in questi non proceda.

Che [illegible], et [illegible] questi termini [illegible], è certo dal canto della C. Francesca è indubitato questo capo, perché noi siamo in caso di fideicommisso conditionale, atteso che il C. Giambattista volse, se le figliole

in evento che li ~~[illegible]~~ [pretesi] possessori [illegible] de' [discendenti] legittimi. onde vede la decisione del testo in L. unica. § sin autem C. de cad. toll. ... quod fideicommisso condizionale [illegible] de' [eredi], sed remanet apud [illegible] ... [illegible] dunque [illegible] ... et [illegible] [integrar] [illegible] ... [illegible] innanti a [illegible] ... [illegible] che non hanno potuto ... [illegible] il [illegible] non essere [illegible] ... uguale [illegible] [altre] [illegible] ... Arti. xi. w. xx. [illegible] i non [illegible] [illegible].

Per noi nelle [illegible] con l'Ill.mi Prangeri [illegible] [illegible]; [illegible]

Paucis me expediam quia res agitur coram Sapientissimis Iurisconsultis.

Nos petimus condemnari nob. ad. [illegible] ad relaxand. [illegible] bona [feudalia] descripta in petitione ~~citata~~ [illegible] in ipsos per q. nob. d. Ioannem Bapta de [Prangeyo], ad alienationes [illegible] de bonis feudalibus [illegible] ad [illegible] [illegible] ... [illegible] Atres investiti in bonis omnibus feudalibus q. d. Ioannis Bapte

Ad fundandam intentionem nostram [illegible] probanda, quod [illegible] possideant, quod fuerint empta a d. Ioanne Bapta, quod nos simus in illis bonis feudalibus investiti [illegible] proximiores, et quod Bona [illegible] sint feudalia, quia [illegible] ... [illegible]

quod [illegible] possideantur, et quod fuerint empta a d. Ioanne Bapta probatur confessione [illegible] ... fol. 3. quam confessionem [illegible] Atres [illegible] illamq. in [illegible] iudiciario [reproducendo] in [illegible] fol. 4. probatur etiam [e quod bona [illegible] fol. [illegible] fol. 45]

quod [illegible] proximiores fuerint investiti in omnibus d. Ioannis Bapte [illegible]
[illegible] investitura fol. 8. quae fuit post numerosi [illegible] [illegible] in [illegible] [illegible] d. [illegible] filia d. Ioannis Bapte eadem [illegible] res introducere confirmatur [illegible] fol. 4 [illegible]

quod bona feudalia [illegible] patet [illegible] confessionem ipsorum [illegible] [illegible] Nam [illegible] de anno 1586 [illegible] a [illegible] Principe quod omnes [feudatarii] [illegible] [illegible] debuerunt dare in notam feuda [illegible] inter ceteros [illegible] [Prangeyi] nob. [illegible] Bona [illegible] et [illegible] ea omnia [illegible] ut patet exemplo authentico D. Vincentii Gallezi a secretis [illegible] [illegible] feudis fol. 44.

nam confessio dicitur [illegible] probatio adeo quod inde non possit [illegible] ... [illegible] 48. n. 52. [illegible] ... et probatio nulla clarior [illegible], [illegible] confessione propria, unde libellus [illegible] porrigit, [illegible] ... [illegible] ... [illegible] 82. vol. 2. [illegible]

neq. illae confessiones [illegible], sed animo deliberato [illegible] una cum aliis omnibus [illegible], neq. semel, sed [illegible] emanarunt, et fundant in [illegible] [illegible] non [illegible] [illegible], quam [illegible] [illegible].

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in investitura 1377. fol. 29. 1389. fol. 101. 1448. fol. 101.
1520. fol. 30. 1523. fol. 32. 1539. fol. 95. in qua D.
[illegible] pater [illegible] investiture [illegible] aperte de Monte Molbazi
ut feudali ~~[illegible]~~ [illegible] 1555. D. Ioannis Baptistae eiusdem
in qua ~~[illegible]~~ [illegible] destitit [illegible] continuerat [illegible] bona omnia
in villis Bilenij, Artenij, Mozenianij et [illegible], ac Monte Molbazi
[illegible]. ex investitura 1571. [illegible] fol. 116.
Et licet in ~~[illegible]~~ investituris antiquioribus non [illegible] sigillatim descripta
bona [illegible] et Monte Molbazi, sed [illegible] ~~[illegible]~~ Magrani,
Mozenianij, Bilenij, ~~[illegible]~~ tamen [illegible] est quod postea [illegible]
[illegible] generalem declarationem descendere ad descriptio-
nem [illegible] bonorum, quod [illegible] in petitione. querela [illegible]
Et quod [illegible] ad Montem Molbazi [illegible] feudalis [illegible] ~~[illegible]~~ [illegible] Comites
de Prampergo de anno 1491 [illegible] [illegible] 1521. [illegible] della
[illegible] Mont Molbazi [illegible] ab ipsis de Prampergo
[illegible] D. Patriarchis, quam a [illegible] non ~~[illegible]~~ [illegible]
[illegible] in antiquis [illegible] in q. 42. n. 9. et [illegible] in anti-
quis [illegible] in q. 14. et q. 4. n. 15. [illegible]
[illegible] ~~[illegible]~~
Comprobantque omnia [illegible] Dom. [illegible] de anno 1526. fol. 31.
[illegible] apparet quod cum D. [illegible] de Prampergo [illegible] D. Andreae de Prampergo
omnia et singula bona [illegible] non feudalia [illegible] D. Andreas
pretendebat [illegible] bona [illegible] in Magrano, Bilenio, et partem Montis
Molbazi [illegible] non feudalia, et D. Nicolaus se opponeret [illegible] diceret
esse feudalia [illegible] non [illegible] disponere [illegible] [illegible]
[illegible] declaravit bona [illegible] in Magrano
Bilenio, et Montem Molbazi non fuisse [illegible] D. Andreae [illegible] non
feudalia. [illegible] Prampergi [illegible]
[illegible] instrumentis, et investituras [illegible]
prefendit [illegible] Prampergo Bilenio, Magrano, Artenea, et Mozeniani

[illegible] cum investituris et [illegible] indicatis, et confessionibus
ad. bona esse feudalia antiqua, avita, et legalia, unde consequens remansit est
et [illegible] alienari, quia prohibita est omnis feudi alienatio quocumque titulo c. 1.
de prohib. feud. alien. per [illegible]. c. 1. de prohib. feud. alien. per Frid. [illegible]
[illegible] 31. n. 21. et non solum de iure [illegible], sed [illegible]
[illegible] Principis nostri 1586 prohibentes quocumque titulo alienari posse, [illegible]
[illegible] inalienabilia etiam [illegible] longissimo
[illegible] in cons. 83 n. 4. n. 23. et ratio est quia cum in feudo antiquo, et paterno

int omnes descendentes, ut stirpite, et per consequens ubi in ordine successivo, remotiores non possunt excludere proximiores, quia tunc necesse admittere ordinem successivo dec. in q. 395. n. 2. et 3. et per in tract. de feud. 4. par. prin. tit. quib. caus. feud. amitt. n. 146. et ex consequenti aliena[tio] feudi alterius in ... remotiorem, ... proximiores ... , nisi ipsi consenserint ... alienationem fuerit, et ... Decian. ... contingi. d. ... n. 12. ... q. 16. ... i. et ... in q. 41. ... 2. ... nullo ... dec. in q. 83. ... 4. n. 21. et ... in ... de feud. ... de feud.

Et quod alias in indivisio feudi de Bruzzio ... fuerit ... per ... ferd. Inventarium 21. febr. 1592. fol. 25. ... inter easdem partes ... ad ... ... feudalis ... ... Petri nostri patrem eo quia ... non ... in praeiudicium nostri ... sine nostro consensu ... , et ... reddendo rationem in ... ... alienatione feudi ad praeiudicium filiorum ... fol. 88.

Et quod haec ... communis indicandi comprehendi in ... ... alienatio feudi, plenissime ... ... fol. 26. et ... fol. 22.

... ... quod ... inter contrahentes ... alienationes ... ... , ... , ... fol. 48. usque ad 51. quia ... alienationibus de facto ... propterea quod alienatio ... ... feudalia ... cum ... alienentur tamen non desinunt esse feudalia, nec amittunt feudi naturam, quia prohibitio ... feudorum est realis, non personalis, quae sit etiam ... procedat regula, quod semel alienatum ... ... quia procedit ... prohibitio personalis ... quia ... ... prohibitus alienare partem suam, ... esse realis. Decian. in q. 83. ... 4. n. 48. ... alienationes ... ... , ... , de ... in tract. de feud. 4. par. prin. tit. quib. cau. feud. amit. n. 146. ... ...

Praeterea ad ... ... alienandi requiritur quod alienationes fuerint ... publice, ac praesentibus ... omnibus ... , vel saltem maiori parte ipsorum, ... alienationem ... ... n. 8. ... ... feudo ... ... , ... alienationes ... ... fol. 135. declarando ~~nullum ... ... de Bruzzio ... ...~~ ~~... ... ...~~ . ...

... ... fol. 47 ... ... apparet quod ... ... de Bruzzio ... ...

annullationem eiusdem omnis, et dicti facta a d. Stephano de Prampergo in
fauorem d. Antonii
testimonia ... fl. 25. ... de feudo
feudali ... d. ... de Prampergo ..., omni-
... descendentium.
... Ms. d. Francisci Barbarico ... Ms. d. ... Antonius
... nullam alienationem ... boni feudalis ... d. Bar-
tholomeum de Prampergo ... d. ... Marini ... venditionem
... Ms. d. Patriarchi ... ... et ...
... non ... ultra ... venditionem ...
quem ... sententia ... 35. ...
... de alie. feud. ... feudis.
Ordinem ... d. Nicolai Abbatis ...
... d. ... d. ... pro ... processus ...
... fl. 14 fl. 17. et
fl. 19. ... quia pro ea ...
... alienationem ...
ex bonis feudalibus ... allodialium ...
esse ... fl. 42. ... de ... non contingere plures alienationes
... Nobilis Principis de anno 1506 ...
... alienationes ...
longissimo.
Et hoc ... ex ... fl. 101. ... facere ... tempus
... alienari, ... et ... emptionis ...
... in familia de Prampergo ... in
... fl. 102. ... etiam ...
... in ... de ... quod
... et ... de ... principio. ... fl. 104.
... ... feudo ...
... d. Gio ... fuisse feudi ...
... esse feudalia ... parte ...
nil facta ... 30. ... condemnare ad. ... per ...

Et ex ... etiam
fl. 102

Pro D. Joanne Leonardo Radussio ad (?) 8. Sman(?) D.[ni] Joannis

Libellus

Sebinanter nimis Primarii indices ad sententiam convolantes cor(am) d. Joannem Leonardum Radussium eum condemnates ad solutionem [illegible] libelli, de [illegible] Damnis, [illegible] nulla [illegible] primarii ejusdem [illegible] neque ipse primi [illegible] terminis [illegible] introducere exceptiones, et propterea [illegible] appellando causam [illegible] Mag.[tum] Cons. de [illegible] et nunc appellationem prosequendo, [illegible] acquisitionem [illegible] de [illegible] [illegible] libelli mediantibus publicis instantis a quibus [illegible] ~~[illegible]~~, [illegible] libellum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sententiam quod vel saltem [illegible] debeat a Mag.[to] Cons.[o] quam [illegible] in hoc casu condemnari petit, ne sibi contingat sub fide publica [illegible] et ad [illegible] [illegible] [illegible] [illegible] dispositionem. ~~[illegible]~~ interesse publico

Pro D. Catherina [illegible] ac [illegible] ad Haeredibus Leonardi Pitali

Libellus

Gravaminatur d. Catherina [illegible], et [illegible] filiae ~~[illegible]~~ q. Leonardi Pitali [illegible] sententia [illegible] [illegible] [illegible] a Gubernatoribus [illegible] [illegible] [illegible]. P.o quod [illegible] de Magdalena [illegible] nullam fecerit mentionem nec [illegible], nec [illegible] [illegible] [illegible] in septem partes [illegible] fuerunt [illegible] ac quatuor feminis; [illegible] ipsius [illegible] q. Leonardi Pitali [illegible] in [illegible] [illegible] in [illegible] [illegible] [illegible] Magdalenam [illegible] [illegible] quod [illegible] perceptas a die mortis [illegible] de [illegible] [illegible] ad [illegible] possessores [illegible] non condemnaverit, [illegible] sententia [illegible] esse meliorament[illegible] [illegible] [illegible] quod [illegible], et [illegible] [illegible] pro [illegible] quantitate compensata ~~[illegible]~~ non [illegible] ea propter ~~[illegible] [illegible] [illegible], [illegible] [illegible]~~ ~~[illegible] [illegible] reformata [illegible] [illegible] in septem partes [illegible]~~ ~~[illegible] [illegible], [illegible] [illegible] [illegible] [illegible]~~ [illegible] convenire [illegible] [illegible] in septem partes [illegible] [illegible] [illegible] [illegible] Magdalena habeat suam [illegible], [illegible] conveniat reddere rationem [illegible] [illegible] [illegible] [illegible] appellantes ad [illegible] se [illegible], [illegible] [illegible] [illegible] effectus [illegible] ~~[illegible] [illegible] [illegible]~~ [illegible] tamen quod [illegible] [illegible] [illegible], et non [illegible] [illegible] [illegible] ad [illegible], [illegible] [illegible] fecerunt [illegible] [illegible], et [illegible] [illegible] [illegible] a D. Gubernatoribus ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] ~~[illegible] [illegible] [illegible]~~ instant [illegible] [illegible] Mutione reformari [illegible] [illegible] [illegible] [illegible] in expensis condemnari.

[illegible] [illegible]

Pro nob. cath. d. franc. et Hospitib. c. Marletto de Monasio

Alleg.

Ut nob. cath. d. franciscus de Dampezzo ac Nepos investiti in bonis feudalibus q. nob. d. Julij de Dampezzo ac facultatis investitura fl. 48. l. obtinere possint in actione intentata per q. d. Julium contra Vincentium Marletto de Monasio probare habent quod bona petita sunt feudalia. quod probari contingit ad ... pluribus modis

1°. quia ... in iurisdictione, nempe in villa Morsenasij quae est subiecta Castro Dampezij ... investituras antiquas fl. 20. ... ex confessio omnium ... coram ... Principe de anno 1588 fl. 28 ... bona in iurisdictione ... feudalia ... 46. ... et ... Juris ... 1586. in materia feudi.

2°. probatur specifice per investituram 1591. cum ... in qua specifice ponuntur Livella consistentia nempe quod ... de ... et Martin ... de Morsenasij fl. 36. ... investituram ... fl. 39. in qua similiter specifice ponuntur Michel ... Martin ... ex confessione ... q. d. Josephi de Dampezzo ... livella ... de anno 1581 coram ... Principe ... generalis quod omnes feudatarij debeant dare in scriptis ... fl. 23. ...

... investituram de anno 1590 ... q. d. Joannis Baptistae de Dampezzo qui successit in bonis feudalibus d. q. d. Josephi fl. 26. ... de anno 1596. 13. Maij ...

Item confessio ... probatio adeo quod inde non potest eam ullam ... fl. 48. n. 52. ... coram ... fl. ... de anno 1586 fl. 18. ... pluribus annis fl. 15.

Unde ... probatur quod ... feudalia, unde consequens necessario est, quod ... alienari ... consistentia alienatio ... c. 1. de prohib. feud. alien. per Frider. ... l. Imp. ... quod ... de iure ... et ... Principis de anno 1586 ... alienari posse, et revocantem alienationes ... nec ... restituendi ... quia ... alienationis ... ad revocandam alienationem, sed ... ad ... de feud. ... de feud. ... de feud. ... 151. ... de feud. ...

... condemnari debet ... Marletto ad ... d. Dampezzo ... decis. p. 83. ... n. 43 ...

T. ... d. ... coram ... de anno 1586 ... contra ... de Dampezzo in qua ... livella omnia ... de Dampezzo ... et Morsenasij esse feudalia ... antiquis

... alienatio ... ... de ... feud. ... ... feudalium ...

... alienatio ... quod alienatio ... feudalia ... esse feudalia ... nec ... in materia feudi ... quod ... alienabile ... prohibitio ... prohibitio ...

et Neposes inuentos in [illegible] [illegible] p. d. [illegible]. e [illegible] [illegible] [illegible] [illegible]
clarif. [illegible] magis quam [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ sufficiente ad [illegible] [illegible] pro [illegible] [illegible]; [illegible] [illegible]
[illegible] [illegible] q. d. [illegible] [illegible] [illegible]
si [illegible] enim pro [illegible] [illegible] in [illegible] [illegible] [illegible]

Per il R. Cap.lo d'Aquileggia

i violatori di sequestri ~~[illegible]~~ [illegible] del R. Cap.lo d'Aquileggia portano [illegible] senza della loro inobedienza ragioni [illegible] frivole. perche alcuni [illegible] [illegible] le [illegible] come il [illegible] [illegible] [illegible] il [illegible] [illegible], ma non è vero dell' [illegible] [illegible] interamente, e quando ancora [illegible] fosse [illegible] [illegible] le violazioni de sequestri che [illegible] sono, vedesi sempre in piedi il [illegible] del Cap.lo [illegible] che [illegible] [illegible] le [illegible] [illegible] la [illegible] del [illegible]. altri come il [illegible], et [illegible] [illegible] [illegible] [illegible] sequestri [illegible] campi, et con la [illegible] del Decano, e in [illegible] alla quale [illegible] [illegible]. il [illegible] [illegible] [illegible] [illegible] del Decano che [illegible] [illegible] la [illegible] [illegible] violatori de sequestri, [illegible] [illegible] alla [illegible] [illegible] d'esso Decano. i [illegible] [illegible] [illegible] la [illegible] della [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. il [illegible] [illegible] [illegible] [illegible] di [illegible] [illegible] [illegible] [illegible] [illegible] dell' [illegible] [illegible] [illegible] quel tempo, la quale non [illegible], e quando anco [illegible] [illegible] per il sequestro di quell'anno, et [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] del 1601. [illegible] [illegible] il sequestro del 1600 [illegible]. queste sono ragioni frivole [illegible] [illegible] qualche cosa. [illegible] al principio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] o [illegible] [illegible] [illegible] alla [illegible], la quale non [illegible] [illegible] [illegible] assoluta, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] l'anno 1598. [illegible] [illegible] [illegible] [illegible] questa Provincia [illegible] la materia de sequestri [illegible] del proprio. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] della città [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sequestri [illegible]

sene [illegible] viene la [illegible] de debiti [illegible] [illegible] di [illegible] [illegible] [illegible] di [illegible] quando [illegible] il [illegible] [illegible] [illegible] [illegible] [illegible] loro [illegible].

il [illegible] d'Aquileggia [illegible] [illegible] Maria la Longa [illegible] 90. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] imposte di [illegible] [illegible], molto più facilmente [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] di questa [illegible] [illegible] [illegible] [illegible] [illegible] l'altre che [illegible] [illegible] al [illegible] [illegible] [illegible] l'altre [illegible] istesso [illegible] [illegible] che [illegible] [illegible] [illegible] di [illegible] le loro [illegible], alle quali però il [illegible] [illegible] [illegible] la [illegible] [illegible] [illegible] [illegible] [illegible] di [illegible] paesi, e [illegible] [illegible] [illegible], ed [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] di questa [illegible] [illegible] [illegible] della [illegible] d'Aquileggia [illegible] del [illegible] dello danni patiti.

[illegible] [illegible] [illegible] à religiose e buon [illegible] [illegible] [illegible] [illegible] tutti questi [illegible] [illegible] della loro [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] condannati [illegible] [illegible] [illegible] [illegible] alle quali [illegible] [illegible] [illegible] [illegible] più facilmente [illegible]!

Per il Cordune di Magredis con il Curato di Pondleso [illegible]

Con giusto [illegible] [illegible] il Cordune di Magredis [illegible] à lite che pende col Curato di Pondleso, perche essendo [illegible] [illegible] [illegible] di un decreto [illegible] [illegible] [illegible] [illegible] Patriarcale [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dal [illegible] le messe [illegible], e celebrare [illegible] [illegible] nella Chiesa di Magredis [illegible] [illegible] [illegible] a [illegible], gl'emolumenti [illegible] i quali [illegible] [illegible] à questo effetto [illegible] [illegible] [illegible] l'occasione del concendere il [illegible] di Magredis con la presente [illegible] [illegible] al Curato di Pondleso, che sempre [illegible] [illegible] secondo l'obligo, e [illegible] [illegible] continuare à dire nella Chiesa di Magredis una la messa ogni [illegible] domenica del mese, una [illegible] il giorno di [illegible], e di [illegible] e l'ultima festa delle Pentecoste, e [illegible] ogni festività di S. Maria, e di più venire à [illegible] [illegible], [illegible], e à [illegible] [illegible] con patto che mancando [illegible] volta perda [illegible] l'emolumento di quell'anniversario, [illegible] del suo [illegible], e non essendo anniversario che perda [illegible] [illegible], [illegible] alla Chiesa, il Cordune si contenta di rinonciar della lite, e che il detto Curato [illegible] [illegible] [illegible] [illegible], anniversarij, et emolumenti [illegible], [illegible] [illegible] di [illegible] [illegible] [illegible] [illegible] [illegible] le spese [illegible]

Sen'i Bramper con Silum

Dal processo medesimo fuori di esso manifestamente si cava che l'ambiguità [illegible] da se coll'opinione, et volumi del P. Bramper, ne vi è altro in contrario che il [illegible] semmericà del secondo [illegible] [illegible] il detto del Sr. Colombo quando fu [illegible] l'ordine à la menzionare alla quale non si deve prestar fede [illegible] [illegible] con giuramento, si vede quelli ordini che [illegible] allora presenti [illegible] [illegible] il fatto del Sr. Colombo, [illegible] chiamati [illegible] dal secondo [illegible] con [illegible] tutti il [illegible] [illegible] [illegible] [illegible] Mem, [illegible], [illegible] [illegible] [illegible] [illegible] ed [illegible]. [illegible] il Prete [illegible] in [illegible] ordine [illegible] del P. Bramper l'haveva [illegible] con una [illegible] [illegible] abbracciati l'arcobugio [illegible], et [illegible] una parte del [illegible] [illegible] [illegible] abbrugiato dal [illegible]. [illegible] [illegible] [illegible] [illegible] abbracciati [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ancora chiamato [illegible] dal secondo [illegible] [illegible] il [illegible] [illegible] [illegible] [illegible] [illegible] Prete [illegible] nel [illegible] il caso [illegible] abbracciati [illegible] [illegible] l'arcobugio [illegible]. [illegible] ancora [illegible] [illegible] del [illegible] [illegible] presente al principio della [illegible], il quale [illegible] [illegible] del Prete [illegible] [illegible] [illegible] abbracciati [illegible] [illegible] [illegible], et [illegible] mostrò la [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] abbrugiata dal [illegible] [illegible]. [illegible] [illegible] ancora [illegible] [illegible] [illegible] [illegible] il [illegible] [illegible] nel Prete haveva [illegible] [illegible] abbracciati [illegible] quell [illegible] [illegible] l'arcobugio [illegible] nell'altra mano. [illegible] [illegible] [illegible] [illegible] bocca del medesimo [illegible] [illegible] [illegible] [illegible] [illegible] il [illegible] [illegible] è tanto [illegible] [illegible] [illegible] [illegible] credere il contrario. [illegible] se il P. Bramper [illegible] [illegible] [illegible] [illegible] l'arcobugio [illegible] Prete è ben da credere che l'[illegible] prima che [illegible] [illegible] arcobugio [illegible], et [illegible] [illegible] mano [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] il fatto [illegible]! [illegible] del Prete [illegible] che [illegible] con la [illegible] [illegible] [illegible] [illegible] [illegible] abbracciati insieme [illegible] [illegible] [illegible] [illegible] [illegible] del Prete [illegible] [illegible] dell'arcobugio, et [illegible] [illegible] il Prete [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] abbracciati. [illegible] [illegible] [illegible] il [illegible] della medesima nelle abbracciate come [illegible] il Prete dal [illegible] della polvere, [illegible] [illegible] [illegible]. [illegible] la polvere del [illegible] [illegible] [illegible] et [illegible] [illegible], et [illegible] in [illegible] di un prete [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] nella [illegible] del beato Carlo Borromeo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] la carne. [illegible] il P. Bramper che sarebbe [illegible] [illegible] [illegible] [illegible] presente al fatto [illegible] [illegible] [illegible] che non [illegible] ancora; [illegible] di [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] a lei. ~~[illegible]~~ manifestamente [illegible] [illegible] come il fatto è [illegible] P. Bramper [illegible] [illegible] [illegible] [illegible] castigato ne [illegible] [illegible] [illegible] arcobugio da [illegible] [illegible], ne [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non era da offendere il detto Prete [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] offendere [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] offendere [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] che [illegible]

di la che lavessero insi[illegible] fatto [illegible] ~~che~~ [come] [illegible]. [illegible] questo [illegible]
di far [illegible] del [illegible] del sig.r [illegible] [illegible] [illegible] che [illegible]
[illegible] [illegible] che non [illegible] ne [illegible] [illegible] [illegible]
[illegible] non [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] di questa [illegible] [illegible] [illegible] de [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
quest[illegible] [illegible] [illegible] [illegible], e [illegible] della quiete [illegible]. ~~[illegible]~~
~~[illegible]~~ [illegible] onde non [illegible] [illegible] [illegible] che
[illegible] [illegible] [illegible] di [illegible] [illegible] [illegible] [illegible] [illegible] di [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] riguardo alle buone qualità del [illegible] [illegible] pacifico quieto, amorevole, e [illegible]
[illegible]

Pro D. Comite Ioanne [illegible] [illegible] contra [illegible] [illegible] Alleg.

Postha[illegible] [illegible] [illegible] [illegible] voluntate [illegible], [illegible] D. Comitis Ioannes
Baptista [illegible], et [illegible], [illegible] non [illegible] [illegible] [illegible] in
[illegible], D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
dotem, [illegible] in hac Provincia [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] non [illegible] quod est [illegible] [illegible] de successio. [illegible]. [illegible]
esse debeat [illegible] [illegible], [illegible] dicit quod filia debet habere quantum est [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ad legitimam. [illegible] [illegible] 179. et [illegible].
[illegible] lib. 1. [illegible] [illegible] [illegible] [patris] tempore mortis. [illegible] de [illegible] [illegible].
in [illegible] lib. 2. [illegible] [illegible] [illegible] lib. 3. [illegible] [illegible] 201. et [illegible] in
[illegible] de [illegible] [illegible] [illegible] 19. n. 4. [illegible] in deductione legitimae [illegible] bona
tempore mortis. Michael [illegible] [illegible] [illegible]. [illegible] legitima [illegible]. Proinde [illegible]
[illegible] [illegible] [illegible] legitimam [illegible] [illegible] id ad [illegible] de [illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible]
et [illegible] debet D. [illegible], [illegible] filia [illegible] [illegible] [illegible] [illegible] non [illegible]
a [illegible] [illegible] [illegible] debita [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 328. n. 3.
lib. 3. et [illegible] in cons. 39. lib. 1. n. 16. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ad quantitatem [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible]
[illegible] non [illegible] petere supplementum, [illegible] [illegible] [illegible] [illegible] legitima [illegible]
filiae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible]. et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] procedere debet in casu de [illegible] [illegible]
[illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ~~[illegible]~~ D. [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible]

benis respondet quod illud testamentum est nullo praeteritione. Nam nob. d. Catterina habebat multos nepotes masculos, utpote q. q. d. Alba eius filia, vivebat etiam tempore testamenti nob. d. Camilla eius filia quae etiam mater [illegible] fuit, [illegible] in [illegible] bonis [illegible] Camilla, quos [illegible] confessa, [illegible] nullam vel praeteritione
praetextus mentionem fecit d. Catterina in eius test. neque [illegible] bonum nam [illegible] mater, aut eius maternus [illegible] filii vel nepoti [illegible] nulla [illegible] causa testamentum [illegible] com. [illegible] testamentum [illegible] 47. [illegible] reducit ad causam [illegible] [illegible] [illegible] [illegible]. [illegible] omnes [illegible] in [illegible] succedere debere.

Proinde [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et in [illegible] [illegible] nullo [illegible] testamenti [illegible] [illegible] debere [illegible] [illegible] [illegible] [illegible]

Pro d. [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] testamentum [illegible] testamenti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] matrimonio [illegible] matrimonio [illegible] [illegible] mulierem [illegible] sufficienter [illegible] ...

Pro dnis [illegible] [illegible] in [illegible] reficere molendinum de bonis [illegible] Cappellae

[illegible] in facto Cappellam S. Jacobi de [illegible] quae est de iure [illegible] [illegible] [illegible] inter cetera bona habere quoddam molendinum in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] R. Cappellani pro tempore [illegible] [illegible] [illegible] sed semper [illegible] Cappellani respondit [illegible] [illegible] 18 [illegible] [illegible] molendinum illud [illegible] de anno [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Cappellani [illegible] [illegible] [illegible] [illegible] [illegible] bonis [illegible] [illegible] [illegible] [illegible] ipsi R. Cappellano, et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] patronis; [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

ut possibiles illius ad eam cenebit pp. tex. in c. decernimus. 10. q. 1. ubi Gl. verbum [illegible] ratificationem et reperiat possibilem deffinit [illegible] illam separari ordinatio[illegible] seu sacerdotis. similiter ad [illegible] [illegible] respicientium an patronus vel sacerdos Paul. de Citad. in tract. de iure patr. [illegible] par. artic. 2. n. 7. [illegible] [illegible] quia accessorium sequitur naturam sui principalis, quod ratio ubique militat etiam casu nostro. confirmatur [illegible] quia clericus aequiparatur [illegible]. Ob. in c. wessf. de [illegible] n. 21. et [illegible] [illegible]. in c. [illegible] in [illegible] [illegible]. [illegible] omnes expensas in restituenda ecclesia [illegible] [illegible]. l. cum ad quem. [illegible] de [illegible]. N. 2 [illegible] quod Patroni [illegible] molendini [illegible] quia [illegible] [illegible] [illegible] teneatur [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] J. [illegible]. in tract. de iure patr. 2. quaest. prin. 3. lit. [illegible] [illegible] omnes patronos [illegible] quod [illegible] [illegible] c. decernimus ib. quaest. 7. non tamen tenetur defendere [illegible] expensis [illegible] [illegible] Paul de Citad. artic. 4. 1. par. in prin. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tamen de proprio [illegible] [illegible] [illegible] patronatus [illegible]. [illegible] [illegible] [illegible] Patronis [illegible], et etiam [illegible] quia patrono [illegible] ad [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] intervenire [illegible]. [illegible] Nicol. Delph. in tract. de iure patr. [illegible] 1. quaest. 24 [illegible] tanto fortius procederet [illegible] [illegible] [illegible] quod [illegible] [illegible], nempe quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], aliquando plus, aliquando [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] semper [illegible] [illegible], [illegible] [illegible] [illegible] ipsius capellani [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Semper [illegible] [illegible] [illegible] ut memores [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] capellanos [illegible] [illegible] [illegible] [illegible] [illegible], et Beneficio [illegible] [illegible] [illegible] in [illegible] [illegible]. [illegible] [illegible] [illegible]

Ro in Rota [illegible] Palutio

Temere [illegible] appellavit [illegible] Palutio [illegible] [illegible] [illegible] [illegible] [illegible] quod ei [illegible] pignora [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ubique enim in [illegible] et in hac [illegible] [illegible] [illegible] [illegible] quod pignora in [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] testimonium liberius [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] debere [illegible] [illegible] [illegible] [illegible]. temere etiam prosequitur appellationem, quia [illegible] [illegible] pignoribus [illegible] [illegible] tamen [illegible] pignora [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] omne [illegible] deductum in libello appellationis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]: [illegible] [illegible] [illegible] [illegible] bene [illegible] [illegible] [illegible] appellatum [illegible] [illegible] [illegible] [illegible] [illegible].

Pro Rdo. presbitero Bertolo

Cum appellatio auxilium continet, et vera defensio, iuris ab omni alio quovis modo praeiudicii, et nemine [illegible] interponi potest et interponatur, propterea Rdus. presbiter Aquinus [illegible] [illegible] in alio [illegible] receptio mandata quo sibi iniungitur sub poena suspensionis ipso facto incurrenda quod debeat [illegible] tenere in [illegible] [illegible] [illegible] [illegible] [illegible] magis [illegible] [illegible] in effectu confessus quod [illegible] mulier [illegible] [illegible] [illegible] [illegible] decem milliaria prout ab eadem [illegible] ipso mandato [illegible] [illegible]. Pro quia [illegible] [illegible] mente [illegible] [illegible] [illegible] [illegible] mulieri [illegible] officii [illegible] [illegible] mandatum fuit etiam [illegible] ob [illegible] [illegible] suspensionis [illegible] [illegible], [illegible] [illegible] officio [illegible] [illegible] vel [illegible] vel [illegible] mulieri, [illegible] quae mandata fuit [illegible] [illegible] [illegible] non debuit, [illegible] [illegible]. nam [illegible] in [illegible] Rdi. presbiteri Bertoli [illegible] mulierem illam a parochia [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] accedere ad illam mulierem, neque [illegible] cum [illegible] [illegible] [illegible] mandato [illegible] [illegible] debet, ob [illegible] [illegible] [illegible] [illegible] [illegible] in his [illegible] [illegible] et [illegible], omnibus melioribus iure modo, et forma quibus melius, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellat ad M. [illegible] D. [illegible] [illegible] [illegible] [illegible] [illegible] ad quem de iure [illegible] appellare [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] semel, bis, et pluries [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] coram [illegible] competenti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] religiose [illegible].

Pro rdo. d. Virginia Franj. [illegible] panew rdi. d. Pamphili Lettores Petitio

[illegible] libelli formula, summarie proponunt rdo. d. Virginia uxor rdi. d. Georgii Frangipani de Castello [illegible] [illegible] [illegible] confiscatione bonorum [illegible] d. Virginiae [illegible] [illegible] successores [illegible] [illegible] [illegible] d. [illegible] Georgii [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] rdi. d. Pamphili Lettores [illegible] [illegible] [illegible] [illegible] in iudicio [illegible] comparentem [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] rdi. d. [illegible] [illegible] rdi. d. [illegible] Frangipani de Castello [illegible] [illegible] d. Virginiae inter cetera bona in dotem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] pro [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] d. [illegible] [illegible] [illegible] rdi. d. Floriode [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] rdi. d. Pamphili [illegible] [illegible] post [illegible] in iudicio [illegible] filius d. Floreani de [illegible] [illegible], [illegible]

ex capite feudi, et cum eos nec non de Virginio ahitusquisse iudicij dimidii siani de feudo exprobatis et expensis ut in petitione possessionis in primis predictis ipsius de Virginio afferentis

[illegible] litigasse expedire refundere predicto ut exposuimus de tempore pro expensis

et licet de dampnis ex superiori fossis de bonis et consequenter obligatis de emptione plures requisitis fuerit ad ipsos tenent [illegible] numquam tamen bona [illegible] exigere [illegible]

[illegible] cessisse condemnare ad [illegible] pro eluctione post de ges.

[illegible] expensas ut [illegible] [illegible] sententia principalis et [illegible]

ea libri ipse emptionem [illegible] tradidit et de plano ut et [illegible]

juxta [illegible] in ea re[illegible]. de Virginio de [illegible]

Libertas ex cessione quarum impressa [illegible]

Tamquam equivalentem [illegible] ad estimatione [illegible] faciendum ad [illegible] et [illegible]

iure contemptione

Absolui debet nob. d. Joannes Josephus de [illegible] ab [illegible] rehabendi [illegible]

Clarum de Virginio tam respectu predicti census venditi per Hieronimum Clarum 19. Maij 1574. fl. 4. quam respectu alterius venditi de anno 1589 per 16. [illegible] per dominium [illegible] 6.

Pro nob. d. Joanne Joseph de [illegible] ab Clarum de Virginio

[illegible] Alles [illegible]

in causa rehabendi.

Nam quod attinet ad pr. ed.[tus] de [illegible] [illegible] et principalem argumentum rei venditae, ut est [illegible] in [illegible] unde quem de evictione teneatur eundem [illegible] rei venditae [illegible] exceptione [illegible] venditorem. ff. de evict. quam ipse teneatur ex [illegible] ad [illegible] defendere consequens est ut eum [illegible] nec potuit [illegible]. l. [illegible] ff. [illegible] et l. [illegible] [illegible] quia quod etiam facere [illegible] prohibere debuit, id ipse committere non debuit. [illegible] add. [illegible].

Quod vero attinet ad [illegible] absolui similiter debet, quia ed.[tus] fuit mediator illius venditionis ut ipse met fatetur in responsionibus ad positiones [illegible] Joannis Josephi [illegible] unde consequens est quod [illegible] certius [illegible] certiorari non debuerit. [illegible] [illegible] [illegible] [illegible] [illegible] ff. de [illegible] [illegible] ff. de [illegible]. l. quietanciam. ff. de [illegible].

Inde [illegible] [illegible] [illegible] rehabere [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] ed.[tus] [illegible] iure [illegible] [illegible].

Quo autem ad utrumque [illegible] absolui debet alia ratione quod est communis [illegible] contractui. [illegible] forma [illegible] [illegible] [illegible] municipali rehabere volens tenetur probare se legitimum, et naturalem [illegible] in ea [illegible] [illegible] appellatione [illegible] [illegible] quod appellatione [illegible] intelliguntur tantum illi, qui sunt legitimi, et naturales, et de legitima, et naturali [illegible] [illegible] [illegible] [illegible] [illegible] neque ipse [illegible], neque [illegible] quidquam [illegible] sed [illegible] quod est [illegible] [illegible] et [illegible], et [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] hoc [illegible] filij legitimi, et naturales non sufficit ut probetur [illegible] de descendentia nisi etiam [illegible] illa [illegible] legitimi, et naturalis. [illegible] 39. [illegible] [illegible] de [illegible] [illegible] 471. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de

Butri: in c. [illegible] il [illegible] in uers. aut filius ap. qui fil. sine legit quia ipsud est fundamentum sue intentionis intendit ipse etiam tamquam spurius [illegible] propositionem quod spurius [illegible] tenet probare se esse spurium legitimum, [illegible] non debet quis admitti, alias si [illegible] probet se talem [illegible] cum mulierem non potuit matrimonium; ad probandum [illegible] in [illegible] 3. [illegible] 1. n. 41. usq. ad 48. quod quis tamquam spurius debet probare se spurium, et legitimum sicut etiam filius quando agit [illegible] tenet probare se [illegible] quia quando legitimus est fundamentum intentionis [illegible], qui fundat se in [illegible] legitimitate tenetur eam probare, ut [illegible].

Non obstat modo [illegible] a capitolo [illegible] febr. [illegible] nempe quod D. Ioannes [illegible] fuerit [illegible] admittere et [illegible] ad [illegible]. quia prius petijt admitti ad [illegible], et nunc non [illegible] post [illegible] conclusionem, quod impedit [illegible] petitionem. [illegible] de [illegible] decis. [illegible] sed post [illegible] petitam conclusionem nempe sub die 7. Martij 1602, [illegible] 22. ianuarij, petit [illegible] pro tempore non [illegible] petitio. [illegible] non probat [illegible] nam [illegible] testis dicit ignorare. [illegible] Leonardus

~~[illegible]~~ Petrus Magistrinus [illegible], quia etiam non concordant in tempore. nam examinati 18. febr. 1603
Leonardus dicit quod D. Ioannes [illegible] in [illegible] in [illegible] de anno 1601, dum dicit la Pasqua di Maggio passata fu un anno, Petrus vero dicit quod fuit de anno 1602, dum interrogatus de tempore dicit fu l'anno passato. unde [illegible] testis [illegible], [illegible] [illegible] dari fides.

[illegible] debet D. Ioannes [illegible] [illegible] expensis

Pro R. Plebano [illegible] libellus [illegible]

Albanus
Iustam provocandi causam habuit admodum R. D. [illegible] Plebanus [illegible] a [illegible] primam [illegible] in favorem [illegible] Gasparis Gofferdi, quia eum condemnavit ad liberandum R. [illegible] a [illegible] [illegible] [illegible] pro impositionibus 1598 et 1599 ac [illegible] in recepto 22. ianuarij 1599. ad enim [illegible] fuerit [illegible] ad [illegible] impositionis debitas [illegible] debitas
ea [illegible], [illegible] debet [illegible] referri ad antiquiores ~~[illegible]~~ quia [illegible] incipiendo a [illegible], non [illegible] [illegible]; [illegible] magis cum recepto tempore [illegible]
factus fuerit initio anni 1599. [illegible] non [illegible] impositionis [illegible]. ~~[illegible]~~ ~~[illegible]~~ et consequenter non erat adhuc debita, [illegible] in recepto [illegible] promittere ipsius R. [illegible] debitum [illegible] · ~~unde~~ [illegible] D. Iudici [illegible] fuit etiam [illegible] solutionem, quod heredes R. plebani ~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible] impositiones [illegible] R. plebano [illegible] quanto [illegible] quod tenetur R. ~~[illegible]~~ plebanus [illegible] res est [illegible]. ~~[illegible]~~ proinde declarari debet male [illegible] in hac parte, [illegible] R. [illegible] appellatum [illegible] condemnato [illegible] ad [illegible] impositiones annorum 1598, et 1599, [illegible] heredes plebani [illegible] de anno 1596. ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~

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Pro D. Michaele Militio et D. Richardo Bowdino

Rescriptum

Reatrex est quod D. Michael fecit in vendicionem bonorum quorundam dimittit coloni, et ille obtinere fuerit.

indebite vexatum D. Michael Militius d. Richardo Bowdino de [illegible] [illegible] ... debitum ad ioannem [illegible] [illegible] pro [illegible] [illegible] [illegible] ... [illegible] habere deberet ... bona ipsius ... molestandi ... debitum ... [illegible] ... habeternt. sed ut appareat in ... D. Michaelem ... eius colonum ... Michaelem ... [illegible] ... in credit ... Militii ... [illegible] ... D. [illegible] ... appellatum ... [illegible]

Pro Sebastiano Gasparis in Toletanis flandri.

Sebastianus Gasparis de ... molestari ... et Toletis flandri ... bonis ... [illegible] ... principalis ... [illegible] ... Martij 1588 ... [illegible] ... 1598. 16. Febr. ... [illegible] ... a litibus quas ... occasionem camerarij ... [illegible] ... [illegible] ... Camerarij ... seu laudatione ... ac ablatum.

~~[illegible]~~

Pro Rob. ... [illegible] ... in Causa Compromissi ... D. Alexi.

... quod ... [illegible] ... in l. ... fend. ... Rhenii ... [illegible] ... D. Wernel [illegible] de Campergo ... de mense Octob. 1596 ... [illegible] ... 1599 ... compromisso ... [illegible] ... ioannem ... [illegible] ... [illegible] ... generali ... [illegible] ... [illegible] ... feud. ... [illegible] ... [illegible]

tempus [illegible] com. [illegible] lin. li. n. [illegible]. nam [illegible] investitura immediate post mortem tempore: et e compromissis [illegible] postea ita manifeste apparet eos nunquam consensisse [illegible] alienationi, immo semper [illegible] de illis revocandis [illegible] etiam media [illegible], [illegible] rei [illegible] optime [illegible] [illegible] [illegible] iudices compromissarii.

Praeterea etiam [illegible] [illegible] [illegible] nobis [illegible]. quia [illegible] regere [illegible] quaedam, [illegible] esse feudalia vel [illegible] ut [illegible] feudi: [illegible] possea fundare in regulis feudalibus, quia [illegible] modo [illegible] et [illegible] impropria. [illegible] ecci. de reg. iur. [illegible], et eandem rem [illegible] [illegible] [illegible] succedit [illegible] [illegible] fuit universa[illegible] feudi [illegible] revocatum in dubium [illegible] ne [illegible] fuit [illegible] formare [illegible], [illegible] postea ad nostri [illegible] fuit [illegible] [illegible] [illegible], unde [illegible] [illegible] negligentia [illegible] [illegible] [illegible], [illegible] quando [illegible] [illegible] [illegible] [illegible] feudo [illegible] [illegible] [illegible] investitura, ut habet [illegible] decis. l. n. 4. et [illegible] de rehab. [illegible] l. i. [illegible] n. 34.

Per Mons. Bishone con li Comuni di Montanari

Senza alcun fondamento di ragione sono ricorsi a V. S. M. cel.ma il Comune et huomini della villa di Montanari per ottenere da lei che io [illegible] di possere [illegible] d'[illegible] [illegible] [illegible] à provedere loro d'un Cappellano [illegible] con assignarli una [illegible] mercede over che essi di propria autorità possino [illegible] uno a [illegible] che sempre hanno pagato à me, et à miei antecessori senza alcuna contradittione perche [illegible] [illegible] [illegible] [illegible] della Chiesa parrochiale di [illegible] della [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] della [illegible] quando [illegible] [illegible] [illegible] tutti [illegible] essi [illegible] ad presentatione [illegible] ordinario [illegible], nondimeno [illegible] la loro integra, [illegible] altra [illegible] [illegible] antiquissima, come [illegible] [illegible] [illegible] quale gl'huomini di questa villa [illegible] totalmente esenti dalle cure della Pieve [illegible], fabricassero una Chiesa, [illegible] [illegible] al Sacerdote, pagando à quello, [illegible] le [illegible] [illegible], et presentandolo essi medesimi alli M.ri [illegible] [illegible] [illegible]

per tanto tempo che non vi è memoria d'huomini in contrario. anzi più 130 anni quando fosse la smembratione [illegible] che [illegible] [illegible] [illegible] il principio, che gl'huomini di questa villa supplicarono alla S.tà di Papa Sisto 4. et n'ottenero bolla [illegible] mai che [illegible] [illegible] [illegible] esemptione, [illegible] [illegible] [illegible] verificare i [illegible] [illegible]. onde quando [illegible] [illegible] quello che asseriscono della distanza della villa et del torrente che non è [illegible] discosto più di un miglio et sopra il ponte [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] con [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] di più centinara d'anni. [illegible] il corso di 100. anni gl'è [illegible] à [illegible] il [illegible] [illegible] di un [illegible] [illegible] [illegible] [illegible] è contra [illegible] [illegible] [illegible] di un [illegible] [illegible] [illegible]. onde io [illegible] come [illegible] supplico V. S. M.ta [illegible] liberarmi da questi [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] huomini [illegible] [illegible] [illegible] [illegible] [illegible] quando [illegible] Mons. Ill.mo [illegible] [illegible] a [illegible] [illegible] [illegible] [illegible] [illegible] assoluta [illegible] di più centinara d'anni [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Tal quando anco in [illegible] [illegible] [illegible] [illegible] questa Chiesa [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] come non sono più d'80. [illegible]

Pro D. Ioanne Leonardo Moronio

Suspensum

D. Ioannes Leonardus Moronus ciuis venditor nisi responsione q. Andreae q. Ioannis Tallarici de Uditio fazanes facta suo petitioni accepta fuerunt in ea contenta, et praecipue quod Dureti Andreae Simonis Tallarici possideat nullo tamen legitimo titulo sed propria authoritate occupatum et ipsemet non donare fecerit, et quod eam relaxare paratus sit; verum ne sine honesto praetextu dicta bona detineat et eludat actionem D. Ioannis Leonardi, benignus dicit quod quatenus velit relaxare etiam sedimen in quo continet Duretum, et campum contiguum confinantem ab ortu cum Fazardis paeceribus S.ᵗᵉ Mariae de Tarsolo, inferendo in dicta contractione, a meridie in fazardis contra Iacobum Lozina, et ab occasu in ipsamet Dureti quo fuerunt d. q. Andreae Simonis Tallarici et eius expensas solutas, et videtur recuperare debere, quatenus etiam conueniat relaxare pratum sine fosse unius prati sedis duo existimeris Madii q. comprehensam in istis. 1598. 4. Martii producti in processu, et descripto in praeparatione, D. Ioannes Leonardus quamuis non teneretur respectu malae fidei praesentis tacentem tamen omnium Meliorationum compensanda tamen eo fructus quos percepit a die occupationis, alias initio ad. Sententiam et pudicam omnium relaxandi in uim pignoris et hypothecae, in uiriditi subiiciendum prouidendo d. Ioannis Leonardi sed capitis quam decreuit, volens quod petitioni sua adimpletum et illa instantia iterae Item et Interrogationi super ... omni neclitiosi mundo recipiendo dominio ad an possideat pratum, sedimen, et campos, de quibus superioribus declarationi pro confessis, ~~volens D. Ioannes Leonardus quod petitione~~ sua ~~procedat~~ ~~dicta etiam intimatio~~

Sententia Mag.ᶜᵒʳᵘᵐ Dominorum Iudicum Salmetii

Sententia suspenditur nouit super ... de caeteris determinandum.

In causa rehabitus vire exportationis per Ioannem q. Gasparini Gasparis de Salino et fratres inuentos cum Nicolaum fratres q. de cod. vice et in cuius instantia 20 Martii 1602, nisi instrumentum venditionis Ioannis q. domini Laurentii della Torre eius generi ac Mechiori eius aperit die 21. May 1587. Nisi exceptionibus Nicolai ~~et communi~~ dicentis se non posse cedere bona, praeceptione prius facta in solutionem per infeudatum sub die 15 April. 1602 Laurentii della Torre, nisi instrumento ~~...~~ dierum 25 Martii 1602, nisi quo Nicolaus reus comitendo factus fecit q. Laurentio quandocumque redimendum bona concessionis. Nisi articulis parte Ioannis productis una cum testibus attestationibus inde receptis, nisi alia depositione sub die 22 Martii 1602 f. 248. et alio depositione f. 265. sub die 2. Aprilis 1602. ac demum nisi toto processu omnibusque pro ... mea diligenter perpensis una cum allegationibus partis ...

exhibitis, Auditis vero ? inmotivis à quod bgo Marcus Antonius de Prampero I.V.D. itinere requisitus cum sentio pareas MM.DD. inde Intimetis eius condemnandi [illegible] cum commissis et petitis quod eorum et fratres [illegible] [illegible] supplemento depositi de quo in actu o. [illegible] parentibus de proprio condemnant [illegible] contributionem. Et [illegible] tamen ... [illegible] [illegible] ad [illegible] quod [illegible] ad Iudicibus attento quod depositi fuit deficiens [illegible] pressis [illegible] pretendere [illegible] Altres, [illegible] [illegible], tamen melioramento compensandis et [illegible]

accusis pro le reti[illegible] non alienatis [illegible] in omnibus [illegible]

[illegible]

Item dicis et consulo Ego idem Marcus Antonius de Prampero I.V.D.

Perchè [illegible] la Com.ta di Monfalcone scrittura

Senza nessuna ragione si è mossa la Mag.ca Com.ta di Monfalcone à contradire all'alcune intimationi fatte per nome de Mag.ci Mr Castellani delli Patrii à certi massari de sudditi suoi che possedono beni nel comun di Monfalcone attento che molti pagano, et hanno à pagare nelle loro casse, come aviene di molti altri forastieri che possedono beni in Patria del Friuli [illegible] di qual [illegible] tutti [illegible] et quando ancora fusse vero che la Com.ta [illegible] sopra [illegible] sudditi Arciducale [illegible] sarebbe mera usurpatione fatta senza saputa di detti Castellani absenti à i quali non poteva apportare pregiuditio alcuno, et persona à questo di simili usurpationi fu mandato l'anno passato benche con molto interesse rispetto al poco [illegible] delle cause [illegible] à detenere nel comun [illegible] beni [illegible] per sudditi Arciducali pervenire à nessuno [illegible] come si è venuto [illegible] perhò [illegible] che si rivocasse la contradittione de essa communità, et confirmate le intimationi di detti Castellani con dichiaratione che ad essa non competisse alcuna ragione di tassare suggetti Arciducale ne di [illegible] loro il sussidio per aspettare alla casa di detti Castellani.

Trattasi cassa di Mr Castellani

Del [illegible] in effetto de la [illegible] et rappresentatione [illegible]

Mr. Rc. Patrino Mr. Valentino Cast. libellus

Omissa libelli formula summarie proponit nob. [illegible] D. Io. Franc. de Prampero q. D. Andree cum Mag.co Valentino Cast. q. Mag. [illegible], et Mag. Adamum eius [illegible] nepotem de Maprano [illegible] nob. q. D. Fulvius de Prampero [illegible] pretio [illegible] venditis [illegible] [illegible], et anno respective unam [illegible] [illegible] de anno [illegible] debiti [illegible] Maprani in loco dicto lo [illegible] [illegible] [illegible] [illegible] heredes [illegible] de Prampero, [illegible] nullo facto [illegible] quo [illegible] aperta [illegible] ire [illegible] pretio [illegible] [illegible] depositum [illegible] heredes [illegible] Mag. [illegible] [illegible] [illegible] in [illegible]

[illegible] in premissis [illegible] [illegible]

Pro R. D. Fabio [illegible] cum Mro. Valentino [illegible] libellus sive separationis

Militus summarie proponit ult. cepto D. Io. francis de Dragogo q. vult. q. [illegible] Mag. Valentinus [illegible] q. Mag. Mathis de Magnano, et Mag. Mathio [illegible] fratre [illegible] quatuordecim ult. q. D. Iulius de Dragogo pretio [illegible] D. Cr. vendidit Mag. q. Mathi patri, et [illegible] respective separatim [illegible] unam responsionem annuam [illegible] [illegible] et dimidiam [illegible] [illegible] [illegible] [illegible] Magnani in loco [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] pasum ordine [illegible] Heredes ult. q. D. Francisci de Brimagis [illegible] a [illegible] rebus. [illegible] quod [illegible] celebratione nulla [illegible] rei. [illegible] [illegible] D. Iulius vendidit, [illegible] [illegible] [illegible], ac [illegible] nunquam [illegible] D. Iulij vendidit, [illegible] [illegible] [illegible] vendicandi dictam responsionem virtute [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] mediante [illegible] fidem rei [illegible] [illegible] R. D. Io. [illegible] implorat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] pretio [illegible], [illegible] quod [illegible] Mag. Mathi

Sentis — Absolvi debet D. Marcus Antonius a petitis p. D. [illegible] quod [illegible] non probare [illegible] debet [illegible] in petitione sua [illegible] [illegible] D. Aloysio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] R. D. [illegible] Pamperum, [illegible] [illegible] [illegible], [illegible] [illegible] in [illegible] [illegible] quod [illegible] dedit R. Pampero ut haberet D. Aloysio, [illegible] [illegible] D. Aloysius [illegible] [illegible] R. Pamperus in sua depositione dicit audivisse quod ~~[illegible]~~ mobile [illegible], sed [illegible] ~~[illegible] [illegible] [illegible] [illegible]~~ [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible], quod [illegible] [illegible] [illegible] [illegible] [illegible] et morte D. Aloysij, [illegible] R. D. [illegible] eius patris ~~[illegible]~~ [illegible], sed [illegible] occasione [illegible] D. Marci Antonij, qui [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ 8 annis erat [illegible] etiam quod [illegible] [illegible], [illegible] Decis. 66. n. 3 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dum [illegible] in libello [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in capitulo [illegible], [illegible] quod R. D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], quod [illegible] ab [illegible] [illegible] [illegible], [illegible] [illegible]

tam [illegible] quam recipiendi creditorem qui aliquo tempore non fuerit in [illegible] debiti [illegible], vel [illegible] ut [illegible] Mantiss. [illegible] sub Rub. de praescrip. [illegible] ~~[illegible]~~ [illegible] debito ut ~~[illegible]~~ [illegible] depositio [illegible] Brumgeri [illegible] dici quod [illegible] N. D. [illegible] [illegible] Mantica [illegible] illis [illegible] ~~[illegible]~~ [illegible] debet [illegible]

Mag.^cus D. Curtius de Colloreto [illegible] Antonium Dinum, et eius Nepotes de Bagnarola [illegible] condemnatione depositi calculatorem, et liquidatorem officium decursor et non [illegible] tam [illegible] respectu officium [illegible] debebat, quam [illegible] Albertus [illegible], in cuius locum ipse successit ut fol. 1. [illegible] declarat in [illegible] [illegible] fol. 4. quod [illegible] in [illegible] vel [illegible] exigendi a Dinis non [illegible] per 30. annos [illegible] tempore ~~[illegible]~~ [illegible] [illegible] [illegible] non solum [illegible] praesumptionem sed [illegible] [illegible] rem per [illegible] ut [illegible] certis annis [illegible] et [illegible] in [illegible] [illegible] n. 3. [illegible] [illegible] per 80. et ultra annos patet ex partitis [illegible] anno 1517. fol. 4. quod quidem partitas confirmavit [illegible] publica [illegible] de anno 1587. 27. [illegible] fol. [illegible] ex confirmatione facta de anno 1589. in [illegible] fol. 48. ex sequestro de anno 1598. fol. 57. [illegible] ~~[illegible]~~ [illegible] sequestratis [illegible], [illegible] ratione fol. 71. [illegible] et demum [illegible] receptionis [illegible] pro Mag.^co D. Curtio fol. 79. [illegible]

[illegible] [illegible] Albertus [illegible] patet [illegible] 1594. 2. [illegible] fol. 20. [illegible] D. Gubernatore apud [illegible] Albertus [illegible] exigendi: patet [illegible] [illegible] anno 1503 fol. 31. et ex [illegible] D. Curtium tam [illegible] Albertus fol. 57. [illegible] folio [illegible]

[illegible] optime [illegible] est intentio Mag.^ci D. Curtii, [illegible] depositi [illegible] officium decursor.

[illegible] insertivam ~~[illegible]~~ [illegible] [illegible] [illegible] 17. [illegible] fol. 5. [illegible] nempe quod pendente [illegible] campi [illegible] per [illegible] Dini D. [illegible] mercatori [illegible] devenire ad liquidationem ~~[illegible]~~ [illegible] debet [illegible] [illegible] ad [illegible] devenire; [illegible] 18. Novemb. fol. 99. [illegible] quod Mag.^cus D. Curtius [illegible] quod campi [illegible] [illegible] [illegible] [illegible] quidquam [illegible] ad [illegible] de anno 1597. [illegible] Dini [illegible] campi in [illegible] Bagnarola D. [illegible] [illegible] fol. 6. [illegible] [illegible] D. Curtius, quia omnia [illegible] [illegible] apparet [illegible] ad dominium [illegible] [illegible] de [illegible] n. 76. [illegible] 15. [illegible] [illegible] 167. [illegible] [illegible] n. 3 [illegible] 2. et [illegible] [illegible] [illegible] [illegible]

[illegible] quod omnia [illegible] [illegible] annos post [illegible] D. [illegible] [illegible] [illegible] [illegible] D. [illegible] [illegible] [illegible]

Colloreto [illegible] Dinis

[illegible] rationem [illegible] qui [illegible] [illegible] [illegible] D. [illegible] [illegible] [illegible] D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] omnia [illegible]

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apprehendi possunt prohibitio facti [illegible] tamquam hypothecam, siquidem effectus seu livella pro aliquo capitali debita eodem iure censetur quo capitale [illegible] in §. 75. ad 4. ad fi. et hac regula qui pro loco habet etiam in [illegible] habita ratione ad tempus locationis [illegible] in l. [illegible] qui pro [illegible] in [illegible] habeant [illegible] sic [illegible] de venditione [illegible] quod petit iure [illegible] vel quatenus vendi [illegible], sed de liquidatione [illegible], et consequenter effectus debitus [illegible] donis, cum quibus sola [illegible] quasi possessio [illegible] nullo alio [illegible] quia ad [illegible] mere personalis [illegible] eius [illegible] possessione [illegible] retinendi, [illegible] possidere, [illegible] qui in [illegible] in [illegible] contemnere [illegible] competit etiam cessionario, [illegible] cessione possessio [illegible] transferatur. Menoch. de retinend. poss. remed. 3. n. 256. confirmatur [illegible] quia non possidet [illegible] omnibus [illegible] per [illegible], siquidem non omnes [illegible] sed [illegible] et [illegible] [illegible] inde quando etiam contingeret [illegible] revocari [illegible] [illegible] [illegible] non propterea [illegible] quod [illegible] possunt se [illegible] a [illegible].

sed non [illegible] in presenti ~~[illegible]~~ de [illegible] quod est adhuc mere realis [illegible] in [illegible] venditione [illegible] [illegible] [illegible] sed de liquidandis [illegible] quod est adhuc mere personalis; et sic [illegible] ad [illegible] in [illegible] dum [illegible] quod aliud est [illegible] liquidare aliud [illegible] propriet[ate] [illegible].

[illegible] [illegible] ad. [illegible] in [illegible] [illegible] dum [illegible] [illegible] quia illa [illegible] et [illegible] mere realis, [illegible] de liquidandis effectibus mere personalis. [illegible] etiam [illegible] [illegible] dum [illegible] ostendere quod [illegible] non [illegible] de [illegible] non est [illegible]

Unde [illegible] debet liquidari [illegible] [illegible] [illegible] [illegible]

De [illegible] [illegible] [illegible] [illegible] condemnandi [illegible] [illegible] [illegible] a liberando [illegible] [illegible] [illegible] a molestia et illam [illegible] [illegible] pro impositionibus anni 98, et 99 declarandi quod [illegible] debeant [illegible] receptum [illegible] 1599. [illegible] non [illegible] pecunia illa ad [illegible] impositionum 98, et 99, siquidem non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] anni 1599. [illegible]

Pro R. Cap.lo Aquileien. cum D. Adamis Delbruno [illegible]

Debitore fuerunt R. Cap.li Aquileien. Consortes Gregorii de S. Daniele olim coloni pro affictibus [illegible] in [illegible] pecuniae quibusdam [illegible] lis [illegible] cum fuisset [illegible] devenerunt esse ad [illegible] [illegible] meliorament. [illegible] R. Cap. [illegible], et cum [illegible] nullus repertus fuisset ea deliberat. [illegible] [illegible] Procuratori R. Cap.li [illegible] dno, cum declaratione [illegible] S. Danielis [illegible] [illegible] creditoris [illegible] debere [illegible] ultimatim [illegible] ipsis meliorament. R. Cap.lo ut [illegible] ipsas [illegible] [illegible] coloni [illegible] [illegible] deposuit in [illegible] L 554 17 [illegible] cum protestatione tamen [illegible] [illegible] prius ipsi [illegible] [illegible] [illegible] Gregorius [illegible] ascendebat ad L [illegible] quarum [illegible] [illegible] S. Danielis [illegible] [illegible]. [illegible] tamen [illegible] D. Adamis Delbruno [illegible] [illegible] [illegible] Antonii de S. Daniele creditores ipsius Gregorii [illegible] non [illegible], [illegible] [illegible] [illegible] pro R. Cap.lo [illegible] [illegible] ab R.do Cap.lo S. Danielis [illegible] pecunias depositas [illegible] tamen [illegible] [illegible] [illegible] [illegible] [illegible] R. Cap. [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sic [illegible], [illegible] [illegible] [illegible] R. Cap.li [illegible] [illegible] pro [illegible] [illegible] [illegible] [illegible] [illegible] pro affictibus [illegible] [illegible] [illegible] [illegible] pro [illegible] [illegible] [illegible] [illegible] Ill.mi R.mi D. Patriarchae [illegible] S. Danielis, ac [illegible] [illegible] R. Cap.li pro [illegible] [illegible] [illegible] Gregorius ab anno 1595 citra [illegible] [illegible] [illegible], [illegible] [illegible] pro [illegible] [illegible] pecunias [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] R.di D. Cap.li [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] prius R. Cap.li pro [illegible] [illegible] pro [illegible] [illegible] [illegible]

[illegible] la molestia del [illegible].

[illegible]

Di ordine dell'Ecc. S. M. A. Bampiero [illegible] [illegible] dell'Ill.mo et R.mo S. [illegible] Francesco Barbaro Patriarcha d'Aquileia [illegible] [illegible], [illegible] [illegible] D. Florendo [illegible] q. S. Fabricio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] nelle forze del [illegible] in [illegible] [illegible] et [illegible] del [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quella notte detta notte di venerdì [illegible] [illegible] venendo [illegible] [illegible] [illegible] [illegible] da un'altro [illegible] [illegible] [illegible] con due ferite una di la freccia, [illegible] [illegible] la [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. Florendo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible]

[illegible] morale [illegible] q. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible]

Per Domenico di Giuliano
fatti

Domenico di Giuliano di Artimis è stato querelato da Hieronimo Brillo di detto loco perche ~~[illegible]~~ s'habbi fatto lecito di cavar molti arbori del campo in Loggiana [illegible] dopo che di esso campo il querelante si haveva fatto investitura, preso il possesso, et fatto un mandato al reo che non se ne dovesse più ingerire in detto campo il quale è stato tutto dalli[illegible] e rovinato.
questa è una mera e pura calunnia di Hieronimo Brillo instituita a vendetta contro il povero Domenico per la mala sodisfattione da lui ricevuta perche come Massaro del Comune haveva fatto condannar esso Hieronimo per haver venduto pane e vino senza consignarlo al datio la qual condanna [illegible] una degna [illegible] pubblicamente si è lasciato intendere di volerlo rovinare, come deposero i testimoni à difesa sopra il 6. capitolo
Et questa verità doveva restar chiara appresso la giustitia sempre che si scopriranno gl'inganni, et le bugie del accusatore, il quale l'anno 1600. s. aff.[illegible] denunciando che il Reo ~~[illegible]~~ occupa un campo in Loggiana di ragion di S. Marco ~~[illegible]~~ obligato alla parte di Iacomo del Caligaro senza investitura, et senza che mai habbi pagato censo alla Ill.ma Camera fiscale ottenne egli l'investitura, et descrivendo i confini di esso il campo, dice ch'è un campo ~~in [illegible]~~ senza piante ~~[illegible]~~
se dunque ~~egli [illegible] investitura del~~ il campo senza piante al tempo della sua investitura ~~come può [illegible] la querela che il reo~~ et è dopo l'investitura egli preso il possesso, et fu un mandato al reo che non debba ingerirsi in detto campo, come può sostenersi la querela che il reo dopo il mandato, et in specie dopo [illegible] s'habbi fatto lecito di cavar molti arbori i quali et innanti il mandato non erano in essere, perchè il querelante ~~[illegible]~~ pigliando l'investitura che precede il mandato descrive il campo senza piante. ~~[illegible]~~
Più oltre ~~nell'investitura~~ dice che il reo occupa il ~~campo~~ obligato alla parte di Iacomo senza haver pagato censo questa ancora è una mera falsità ~~[illegible] dell'anno 1600 [illegible]~~ per la rinovatione dell' investitura di molti beni presa da Domenico reo [illegible] [illegible] Al.[illegible] 1600 nella quale apparisce l'Ill.mo [illegible] di quel tempo haver veduto le investiture appare che egli hebbe investiture per gl'altri beni spettanti alla parte di Iacomo del Caligaro quivi descritti dove del campo controverso. Dalle ricevute ancora prodotte in processo che cominciano l'anno 1593. appare che egli ha pagato interamente la parte di Iacomo del Caligaro. Dunque è falso quello che dice l'accusatore che il campo fosse occupato senza investitura, et si possedesse senza pagare censo.
Più oltre non solo il querelante in se stesso è contrario, ma li testimonii ancora essaminati ad offesa si contradicono, perche Hieronimo q. Bernardino [illegible] attestò f.l. 2. ch'e gli arbori havevano viti, et producevano vino, et nondimeno Giuseppe [illegible] [illegible] per ad offesa f.l. 13. dice che appresso gl'arbori che sustinavano non erano viti. Giacomo [illegible] 2 testi. ad off. f.l. 13. dice che le vestigi pendolo pendevano [illegible] tavole, et che Pregana [illegible] vedeva far [illegible], et che il reo l'habbia[illegible] [illegible] di [illegible] tutti. un [illegible].
ma quello ch'è degno di maggior meraviglia Battista q. Leonardo [illegible] uno di Giurati della villa d'Artimis f.l. 3. ad offesa dice che [illegible] confessa ad instantia del querelante nel campo controverso, et haver ritrovati arbori [illegible] con viti

n.º 54. arbori entati n.º 30. [illegible] [illegible], [illegible] n.º 7. un nogaro grande [illegible] con [illegible] n.º 7. che in tutto [illegible] piedi d'arbori n.º 99.

Onde se bene il povero querelante è [illegible] p[er] più testimonij [illegible] [illegible] che tutti li arbori [illegible] nel campo [illegible] erano vecchi destrutti, et non buoni d'appoggiar viti [illegible] non furono più di n.º [illegible]. che nel medesimo campo sono restati molti arbori con [illegible] [illegible], ma ancora senza viti, alli quali però si ponetteno appoggiar viti; che in detto campo si piantò [illegible] arbori con viti [illegible] n.º di 60. [illegible] della [illegible], [illegible] molti [illegible] p[er] piantare delli altri, [illegible] altri campi di ragion del [illegible] che il [illegible] [illegible] [illegible] [illegible] miglioramenti, et che è [illegible] bonificando, [illegible] danneggiando i [illegible] [illegible] lavora. [illegible] p[er] maggior [illegible] delle [illegible] prova, et [illegible] confusione delle calunnie dello [illegible] il procurator del [illegible] [illegible] [illegible] sopra il loco [illegible] col occhio proprio che [illegible] [illegible] d'[illegible] questa verità. [illegible] dunque [illegible] ad [illegible] sopra il loco [illegible] [illegible] alla presentia di esso querelante [illegible] tutto et fatto ~~[illegible]~~ contare gl'arbori in piedi [illegible], si sono trovati arbori [illegible] n.º [illegible]. compresi ancora [illegible] vecchi, che [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] molti anni essendo [illegible]. Dunque è falso che fusero 99. medesimamente [illegible] arbori vecchi con viti n.º [illegible]. [illegible] [illegible], ma buoni d'appoggiar viti [illegible] che [illegible] [illegible] fatto quello che [illegible] [illegible] [illegible] che erano arbori buoni [illegible], [illegible] quelli che [illegible] [illegible] [illegible] d'erano [illegible] [illegible] d'appoggiar viti, [illegible] quando il querelante havesse [illegible] pensiero di destruggere p[er] [illegible] delli arbori [illegible] [illegible] [illegible] [illegible] che sono in piedi [illegible]. più [illegible] appare che [illegible] piantà n.º 60. con viti, onde non è vero che il campo [illegible] destrutto, che [illegible] è [illegible] et al [illegible] è lecito di [illegible] li arbori ~~[illegible]~~ [illegible], [illegible] arbores [illegible] [illegible] [illegible] lignea, et [illegible] [illegible].

Non è dunque vero [illegible] [illegible] perche [illegible] [illegible] [illegible] [illegible], ne che non [illegible] il censo [illegible] dalle [illegible] [illegible] il [illegible] ne da [illegible] destrutto, [illegible] anti [illegible] migliorato, onde deve esser assolto come [illegible] et condannato l'[illegible] nelle spese, il quale fraudolentemente [illegible] [illegible] d'un campo senza piante come [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] p[er] questa [illegible] [illegible] [illegible] campo, mentre [illegible] [illegible] [illegible] [illegible] [illegible] campo senza piante.

Pro R. Dec.° Aquileien
ω
R. Vic.° Minj...
acceptat de libello

legitimus intervenias

R. Quadmode R. D. Paulus [illegible] decanus Patriarchalis Aquileien. [illegible] lite pertinere ... in judicium ... parte, et n[omi]ne R. D. ... Apostolo ... [illegible] parochiali ... [illegible] qua ... [illegible] ... in administrandis sacramentis ... [illegible] praecepto ... [illegible] ... R. D. Dec.° ... intendere ... [illegible] declarari debere ad se ... curam animarum ... pertinere ... [illegible] ... R. D. Decanum condemnari ad ... [illegible] ... et ... [illegible] ... [illegible]

... [illegible] ... R. D. ... curam animarum ... [illegible] ... ignorare ... parochialis ... [illegible] ... Metropolitanae Aquileien. ... [illegible] ... in ... [illegible] ... commode ... [illegible] ... à ... tempore ... [illegible] ... R. D. Decani praedecessores, et ... [illegible] ... semper ... [illegible] ... Clerici ... [illegible] ... molestiam aliquam ... [illegible] ... [illegible] ... [illegible] ... modernus ... [illegible] ... [illegible] ... R. D. Decanus ... [illegible] ...

De Altare ... Bertolini
libellus

... [illegible] ...

... [illegible] ... R. D. Bertolini ... [illegible] ... [illegible] ... [illegible] ...

Pro Dominico Culino w Lidonis — difficultas istius causae tota versatur circa huius intelligentiam, ut illud satis inspiciatur redditque pluralitas instrumentorum productorum, quae tamen omnia semper allegabuntur.

1569. 21. Febr. fl. Rh. 4. — Dominicus Culinus principalis reus ubi de anno 1569. 21. Febr. fl. 10. b. emit redemptionem libellariam super campo et casamento in Tercenove parentis Marcenari per fl. Rh. a Ioanne Lidono.

Idem de anno 1569. 26. Iunii fl. 13. petiis f. 14. emit a Bartholomeo q. Bartholomei de Glemona fil. pro orbo sine ulterius ... duos, de illius debitis ... pertinente in Tercenove ... Ioanne Lidono ... quidem Ioannes Lidonus promittit ... habere Dominico Culino ... instrumenti. Sed tamen ... contentionum instrumenta, ... etiam ... subsequenti.

1570. f. 30. 6. May fl. 21. — 1570. 6. Maij fl. 21. Ioannes Lidonus q. Rh. petio f. 30. vendit q. petium terrae in Tercenove Dominico Culino in quo tamen petio computantur f. 14. capitalis ... de quibus in praecedenti dicto.

1574. 26. May fl. 15. f. 29. — 1574. 26. Maij. Idem Dominicus Culinus ... permutatione ... acquisivit a nob. d. Thoma ... de Glemona libellum suum ... melioris ... Lidono ... petio ... in Tercenove. per ... petio f. 29. nempe lib. 180.

1572. 21. April. fl. 32. f. 41. — 1572. 21. April. fl. 32. Dominicus Culinus ubi ... partes in Tercenove quas erat ... Sebastiani ... de ... per ... capitali 21. ... instrumenta ... in ... libellos ... capitali ... recepisse.

1571. 26. Iun. f. 6. — 1571. 26. Iunii fl. 27. nob. d. ... emit a Ioanne Lidono petio prati in ... Tercenove per f. 6. ... subsequenti ... libello Ioannis Dominico Culino per f. capitali f. 6. ... instrumenta omnia pecunias ascendit ad f. 87. ut ... patet.

De anno 1579. 17. Martii cum dominus Ioannes Lidonus existimaret ... illam terram in Tercenove partim pratinam, et partim arativam ... capitalia de quibus in ... instrumentis, devenerunt ... de voluntate partium ~~ad existimationem~~ nempe ipsius Ioannis Lidoni venditoris et Dominici Culini emptoris ad existimationem, periti electi existimarunt illam valere f. 85. ut fl. 42. et ... quoquidem existimatio fuit postea ... et partibus ... ut fl. 126. neque postea Ioannes Lidonus ... quidquam ... quippe qui ... erat quod

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~~quod impediret~~ ... ut impignorare bona d. ultra estimationem. † post lapsum ~~vero~~ annos [illegible]. Nicolaus Isdorus, ut pater filij d. Idorus convenientes in indicium Dominicum Julium, et petierunt estimationem [illegible] supra petentisse eundem d. supplendo pretio cui ipsum legitime interesse nullam tamen [illegible] summam quod deberet ad aequandam estimationem, ut fol. 2. Dominicus vero qui tempore publicatae estimationis debuit omnia instrumenta in unum redigere, ut hic unico [illegible] appareret ipsum ~~[illegible]~~ compensasse, estimans tamen [illegible] esse rem [illegible] haben, et summa Isdoro non habere, ut etiam, [illegible] instrumentis et [illegible] aliud non [illegible], quo factum est ut in [illegible] filij d. Isdori [illegible] cum indebite lite [illegible], ut ad [illegible] invenienda ac [illegible] magno cum labore ac impensa predicta omnia instrumenta invenienda ac [illegible] quibus in processu productis Dominicus [illegible] nulli [illegible] competere, quia [illegible] habent quod petit, ut in [illegible] fol. 31. [illegible] non ~~[illegible]~~ calculis [illegible] D[illegible] ubi instrumentis [illegible] non obstantibus omnibus Julius esse condemnandum ad [illegible] d. 54. ~~[illegible]~~ [illegible] deficientes ad [illegible]. 85. [illegible] in estimatione, cum [illegible] non habebat quam d. 30. [illegible] in [illegible] 6. Maij 1570. in quo quidem [illegible] esse inclusos [illegible] pensionem [illegible] Valentino [illegible] in [illegible] 1565. [illegible] 26. Iunij. sed est animadvertendum quod petit instrumenti 1569. 26. Iunij non comparere, ut in initio allegationum [illegible] fuit. Ulterius [illegible] non relevare alia instrumenta D. Julius [illegible] ipsius Isdori [illegible] et non consentientes [illegible] [illegible] confectum fuere. ~~[illegible]~~ [illegible] ~~[illegible]~~ [illegible] esse Isdorus ad relevandum. ~~[illegible]~~

~~[illegible]~~

[illegible] tamen non obstantibus [illegible] debet Julius [illegible] petimus [illegible] ~~[illegible]~~, [illegible] omnia alia [illegible] excepto instrumento 1570 impugnare et [illegible] quod [illegible] [illegible] ipsius, cum consentientes [illegible] manifeste [illegible], ~~[illegible]~~ [illegible] d. 50. [illegible] 1569. 21. fol. [illegible] [illegible] cum [illegible] celebra. [illegible] in [illegible] 1574. 26. Maij fol. 13. celebrata [illegible] D. [illegible] pro d. 29. cedit Dominico Julio ius [illegible] quod habebat [illegible] Isdoro [illegible] petit [illegible] [illegible] ipso Isdoro non interveniente. tamen [illegible] [illegible] postea [illegible] Julio producto fol. 26. [illegible] [illegible] apparet de emptione D. [illegible] Isdorus [illegible] de titulo [illegible] Dominico Julio.

[illegible] fol. 6. apparet de [illegible] ~~[illegible]~~ fol. 27. 1571. 26. Iunij unde impertinenter [illegible] Isdori relevare Julium [illegible] [illegible]

† de anno vero 1600. et [illegible]

unde cessit amplius evenire non potuit, siquidem ... ore ille ... ~~[illegible]~~ ut hic literam ponderet illam ... ore.

... manifeste patet ... quod petunt ... ~~eiusdem ... in expositione ... instrumenti~~ ... etiam ... ~~[illegible]~~ et etiam ... ut ... rationem ... a hoc ... debet ... ... sa.

Pro D. Julia Cetina cum Josepho eius Patre Ales.

de anno 1590 ... Franciscus Cetina condidit testamentum ... heredem sibi instituit universalem D. ... filium ... ipse ... naturali ... ei substituit ... D. Maria Cetina eius ... ut ... fl. 43.

D. Julia in primis ... Leonardo Cetina filio ... Josepho ... matrimonio ... D. Nicolao ... Ariano ... Josepho ... confessione inventario ... fl. 8.

Joseph ad ... excipiendo ... dotem ... D. Julianam de ... matrimonio ... bonis ... fl. 3 ...

... D. Julia ... fl. 5 ... non ... D. Julia ... in ... D. ... fl. ... Joseph ad ... D. Julia ... Josepho ... D. Julia ... D. Julia ... exceptione ... ~~[illegible]~~ ... bonis ... omnem ... non ...

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quod. cavillose opponis ipsam immittendam esse in possessionem bonorum suorum.
Nam quod attinet ad unionem quod petit tamquam non debet ... quia ...
datio pro dote conservanda non debet dari. L. i. C. de ... Dec. Peregr.
in tract. de fideicom. artic. 42. n. 78. et mulier non habens eadem a filiis ...
matrimonii petens non tenetur ipsis filiis cavere de dote restituenda in casum legem ...
nupserit. Bal. in ... 19. col. 8. et ... etiam ... restituenda. Bar. in L. 2
... Decius. Dec. ... Non obstat ... ubi tenet quod dos
matri reflecti ... ad dote addita in ... ubi tenet quod dos
solvere nec principales nec fideiussores teneant nisi mulier ... prius post ... dotem
... de dote conservanda et restituenda illis ad quos post ipsius mortem restitui
est facienda. quia ... quod hic ... non de ...
sed de bonis ... ipsius ... quod licet ... tamen ... non
effectum apparet de constitutione dotis omnia bona ipsius consistere paraphernalia, nec
... respondemus quod ...
super dicta ... in dote solum in pecunia numerata ... quod ...
in pecunia numerata et dote patet manifeste dum ... quod ...
... de d[ict]a dote ... ipsius ...
se tam obligatis ... sed ... necessario ...
... unde ... necessaria ... quia ... ipsius ...
nil. ~~... principalis ... nec ...~~

nec similiter retineri non possunt bona praetextu meliorationum, quia soluto matrimonio ipso iure revertuntur ad mulierem dominium rerum dotalium. ~~L. in rebus~~ ... nec data retentio in dote. ~~L. unica § ... C. de rei ux.~~
actio. Aymon. de pign. i. memb. ... pte n. 36. Ad. ... 17. col. 4.
... n. i. et 5. Bal. Novel. in tract. de dote. par. 8. privileg. i. ... n. 2. ... ...
text. in L. unica. § Tacea. C. de rei uxo. actio. ubi habetur quod propter
impensas utiles factas in bonis dotalibus non datur retentio ipsorum, et licet
... ibi datur ... retentionem propter impensas necessarias non ...
... quod meliorationes ... a ... causa ...
... meliorationes ... L 550. ... ad ...
~~licet etiam~~ ... et licet ... quod dominationem ... ad ... videar
... in rem ... ad ... qualitate meliorationes ...
... praetensionem suam, tamen est animadvertendum quod non sufficiat
meliorationes esse factas a dote ut ... debeantur quia cum bonis omnia ... libera ...
... non ... in ... conditionis ... et
... quam ... ubi docet, ea quidem fecisse consensu ... et ... bona
~~... quod~~ ... enim ... per ipsum ... praedicta ...

le divisione faciendo cum dicto Pellegrino Cossino cuius patre apparet de anno 1591 fuisse percepisse et illis bonis ascendisse ad £ 2206 quod fuit f. 356. ut in processu compromissi. ab eodem exhibito fol. 6. to. ex quo dictum intelligi [illegible] [illegible] necessaria iustaque causa pro exercitio fuisse superasse onera matrimonii, ex quo inde potuisse attentare etiam prohibitis meliorandis. ex quo res hac petiit multas contentiones an debeat tunc recedi in voluntaria, et an fuisse bonis dicti iuliano pervenit fieri non potest nunc opponi ad impediendum possessionem bonorum omni iure debiti et dotium.

Ad accedit quod melioramenta ascendunt facta in domibus et de quibus partibus per melioramenta facta nelli [illegible], unde quando etiam melioramenta esset necessaria et [illegible] de proprio [illegible] illi non competere ius retinendi etiam in bonis melioratis, quia ratione melioramentorum factorum in aliena re, non potest illa retineri. Regulus in tract. de pign. 4. memb. 5. par. n. 17.

Et quoniam de veritate, et qualiter istorum melioramentorum constat non potest in processu nisi generaliter tantum fuerit nominatum, nempe per melioramenta facta nelli [illegible] f. 250. ut apparet ex dicta parte fol. 3. t. summando est argumentandum in iustitia ex [illegible] aliis protestationibus. et capiendo ad. pensionem in ordine subsequenti partium melioramentorum, ad. pretendit [illegible] [illegible] illi prius refundi debere f. 130 expendisse in bonis pensionum altera cum fraternitate [illegible] Corporis Christi de Zopola altera cum comite Marino Vincentio Sovergnani. et male, siquidem ad. fuerit voluntaria, et in electione d. Iuliani eam solvere impensam, aut ad. in dominum recognoscere, et ei pensionem veterem solvere. et ita indicat etiam fuisse testes M. A. Pergni [illegible] [illegible] fol. [illegible] 47.

et habet paratam compensationem, siquidem ad. impugnavit f. 160. mediante extinctione capitalis cum [illegible] Camillo de Zopola ut constat instrumento f. 130. [illegible] in ab eo exhibito unde mediante illa pecunia consequitur refectionem et adhuc remanet debitor f. 30.

Necesse autem providendum est quod malitiose fecerit istas pensiones ad. fuerit facta post tantum ad. ad. cum d. Iuliano, quinimmo altera istarum fuit facta pendente hac lite. siquidem cum [illegible] fraternitate est sub die 6. febr. 1603 fol. 18. t. cum ad. [illegible] Marino est sub die 23. febr. 1603. fol. 20. t. adhuc pendente lite quae fuit 16. febr. 1603 ut patet [illegible] fol. 1. et illius relatione 23. febr. fol. 1. t.

subsequitur illius partis £ 483. pro [illegible] expensis [illegible] [illegible] ut apparet in [illegible] [illegible] Volcani Not. [illegible] [illegible] computi manu Volcani fol. 47. usque ad 54. apparet [illegible] [illegible] francisci [illegible] effectum fuisse debitorem £ 483. nullibi tamen constat fuisse [illegible] illas pecunias.

Domina [illegible] expensis factis pro d. iuliano in [illegible] matrimonio [illegible] [illegible]

cum d. [illegible] [illegible] [illegible] Br. [illegible] [illegible] cuius processus [illegible] producti fol. 22. t. usque ad 48

et tamen apparet quod [illegible] ad. comparet nomine [illegible] Leonardi eius filii

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ut fl. 24. et fl. 29. quippe qui postabito omni scrupulo contrahi [illegible] et [illegible] [illegible] D. [illegible] impulsus ad ea matrimonia [illegible] debere.

Praetendit praeterea in 8ᵒ. parte £ 1343 17 pro expensis factis presbitero Mario [illegible], et tamen ex testamento Francisci patris D. [illegible] fl. 43. apparet ipsum fuisse institutum heredem, [illegible] onere [illegible] per [illegible] usque [illegible] missas celebrasse; unde ex [illegible] [illegible] [illegible] Josephi D. [illegible] usque [illegible] [illegible] [illegible] illius patris fuerit usque [illegible] hoc praetendere quia [illegible] debuit [illegible], cum hoc onere, [illegible].

Et tanto minus quia in [illegible] inter D. Pellegrino [illegible] [illegible] [illegible] fl. 2. in proces. compr. quod expensas factas in [illegible] presbitero Mario [illegible] [illegible] [illegible] Francisci [illegible];

praeterea [illegible] 9ª. parte praetendit pro expensis [illegible] £ 682. et tamen hae impensae spectant ad [illegible], ut in processu compromissorio [illegible] fl. 5. [illegible] expenditum fuit £ 310.

Iterum in 10ª. parte praetendit £ 372 pro expensis factis D. [illegible] [illegible] q. eius [illegible] ad matrimonium [illegible] [illegible] [illegible] [illegible]. et tamen in processu compromissorio fl. 2. [illegible] [illegible] [illegible] D. Pellegrino eius [illegible] nempe quod D. [illegible] [illegible] [illegible] et quod [illegible] [illegible] [illegible] [illegible] patrimoniali in [illegible] [illegible] debeat.

Ex praedictis igitur apertissime patet Josepho [illegible] nihil [illegible] [illegible] [illegible] [illegible] D. [illegible] quem [illegible] [illegible] propter [illegible]. [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] debere [illegible], [illegible] D. [illegible], [illegible] [illegible] habeamus in [illegible] in L. unica. [illegible]. [illegible] quod [illegible] nec propter [illegible] mulierum, nec [illegible] nec [illegible] amoris, nec propter liberos, nec propter [illegible], [illegible] propter [illegible] [illegible] [illegible] facere [illegible] in eo quod D. [illegible] petit [illegible] parte [illegible] melioramentum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et tamen [illegible] debere [illegible] fundamento, et propterea [illegible] debemus

D. [illegible] nunquam petit [illegible] [illegible] [illegible] [illegible] [illegible] partes [illegible] reliquas. [illegible] in [illegible] propensionem [illegible] posset D. [illegible] [illegible] [illegible] aliaque praetentionem Josephi et [illegible] praetensionis [illegible] melioramenta, et [illegible] [illegible] [illegible] D. [illegible] de [illegible] [illegible] Josephi [illegible] [illegible] [illegible] habere D. [illegible] praetensiones [illegible] ad £. 700. ut patet ex [illegible] fl. 67. vel saltem [illegible] declarationem quod D. [illegible] [illegible] [illegible] parte nempe [illegible] [illegible], vel quod Josephi teneat [illegible] [illegible] [illegible] Josephi [illegible] [illegible] melioramenta [illegible] [illegible] [illegible]

Pro d. Lucarello
et Alios [illegible]
[illegible]

Nulla [illegible] provocandi causam habuitur ... Mayorile, ac D. [illegible] officio
à Sua [illegible] Gubernatoris [illegible] [illegible] [illegible] capitali [illegible]
[illegible] liberas etiam habenas habendi [illegible] declarandi super merito, [illegible]
[illegible] [illegible] fuerit. [illegible] [illegible] [illegible] [illegible] causam [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], omni tamen [illegible] [illegible]
mandandi [illegible] [illegible], et [illegible] D. Bartholomeo [illegible] [illegible] [illegible]
[illegible] [illegible] tenendi: [illegible] [illegible] [illegible] [illegible] [illegible] declarari
[illegible] [illegible] [illegible] appellantes [illegible] [illegible] [illegible] D. ad [illegible] habeant tamen
[illegible] [illegible] [illegible] causam in merito, quia [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]; [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible]

Pesciane d. [illegible]

[illegible] [illegible] viene [illegible] all' Uffizio del Criminale, Francesco di [illegible] di [illegible] per
impulsione di [illegible] [illegible] à [illegible] ~~[illegible]~~ un campo ch' egli
già [illegible] anni [illegible] compero dal q. [illegible] suo Padre, dopo che [illegible] [illegible]
[illegible] Gulisola [illegible] [illegible] in giudizio, perche ~~[illegible]~~ tenere il Beneficio del [illegible] come
perche [illegible] come egli ha sempre creduto che questo campo gli possa esser [illegible] [illegible]
~~[illegible]~~ e delle persone del venditore, e che la ragione di parenti
[illegible] migliore [illegible] come se [illegible] ~~[illegible]~~ il [illegible] nostro municipale, [illegible]
[illegible] di non commettere errore alcuno di ceder questo campo al figliolo del venditore
come quello che [illegible] miglior ragione
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dall' [illegible] Gulisola [illegible] egli come contadino
che non sa ne leggere ne scrivere et [illegible] [illegible] [illegible] non ha mai [illegible] [illegible] delle
parti [illegible] [illegible] [illegible] Gulisola come [illegible] [illegible] [illegible] [illegible] [illegible] di [illegible]
[illegible] [illegible], [illegible] però [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] con [illegible]
[illegible] [illegible] et [illegible] ~~che a quella le ragion~~ [illegible] [illegible] ~~[illegible]~~ [illegible]
[illegible] ~~[illegible]~~ [illegible] con quale non [illegible] [illegible] si dispute ne [illegible] [illegible]
mente [illegible] [illegible] [illegible] [illegible] miglioramenti di [illegible] il campo di prezzo del
quale egli mai non ha [illegible] [illegible] [illegible] [illegible] [illegible] Gulisola che non [illegible]
[illegible] fare [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] egli non ha mai
[illegible] ~~[illegible]~~ [illegible] il campo, et per conseguenza il contratto non ha [illegible]
effetto ~~[illegible]~~ requisiti delle parti de l'alienatione [illegible] [illegible]
[illegible] d'un bene litigioso [illegible] [illegible] [illegible] [illegible] ragione alcuna [illegible]
più dura la condizione del litigante; come non concorrono [illegible] [illegible] [illegible]
ed un contadino figliolo [illegible] [illegible] al quale [illegible] la ragione del
[illegible] [illegible] [illegible] il contratto non [illegible] [illegible] effetto [illegible] sempre [illegible]
prezzo [illegible] [illegible]: [illegible] [illegible] [illegible] dunque, di [illegible] il campo [illegible]
il denaro et [illegible] miglioramenti [illegible] [illegible] di esser [illegible] [illegible] [illegible]

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Per Serafino di Pasolo di Zirelo — Gran miseria è quella del povero Serafino del q. Lunardo Pasolo di Zirelo mentre per ricomprare un campo venduto già otto anni da suo padre incontra conten[zione] col nob. et ecc.[te] S. Bernardo Gabiola il quale vorria che fusse esso detto campo [illegible] [illegible] di desiderarlo perché [illegible] [illegible] come altri. Ma molto maggior miseria mentre non conviene di litigare civilmente presume di [illegible] [illegible] dell'offitio del criminale quasi che [illegible] per questa strada spaventato dal [illegible] l'attione [illegible] giustissima, et come che [illegible] de fare non con un minore come è Serafino et [illegible]

A [illegible] conferenza [illegible] legge el [illegible] d'altri — Curatore, [illegible] con un contradito [illegible] ne [illegible] [illegible], ma con un huomo, [illegible] [illegible] nel foro [illegible] con molte [illegible]. Ma [illegible] altro una cosa che [illegible] così litigiosa che si ricorre nelle pene delle parti il S. Ser[afino] [illegible] volendo per questa strada acquistar de dolo, et [illegible] il [illegible] [illegible] perder il campo. Et lite è cominciata civilmente innanti l'Ecc.[mo] [illegible] se el S. Gabiola haverà miglior ragione come [illegible] dubitare che non si [illegible] [illegible] come gentilhuomo, Christiano, et [illegible] deve [illegible] [illegible] a questo [illegible] vantaggio [illegible] di contendere con un povero contadino, pover[o] et minore d'età, senza pigliarsi per impresa di rovinare un povero huomo [illegible]nare, perché [illegible] la forza del tempo [illegible]

Ex falsa propositione plura insurgunt incommoda et quod dijudicanda requirerent [illegible] [illegible] [illegible] [illegible] [illegible].

Pro confraternitate Corporis Christi [illegible] Lucili — Depositis confirmatione Ordinarii. Ideo quod [illegible] [illegible] [illegible] in [illegible] [illegible] patronatus ad altare S.[ti] [illegible] [illegible] per D. [illegible] [illegible] [illegible] patronatus Corporis Christi in ecclesia [illegible]

in materia iuris patronatus — Non video Domine quomodo in presenti [illegible] ipsa [illegible] [illegible] [illegible] nunquam praesentanti ad praeiudicium D. [illegible] quod est in quasi possessione praesentandi, et habet etiam titulum pro se, siquidem praesentatio [illegible] eo, qui est in quasi possessione iuris patronatus praestitum praesen[tan]tibus [illegible] a proprietario [illegible] [illegible] [illegible]. n. 1. et n. 2. cum [illegible] [illegible] n. 3. et in [illegible] 24. et etiam [illegible] unica praesentatione [illegible] [illegible] quasi possessio iuris patronatus acquiritur, ut late per Lamberti. 6. artic. [illegible] quaest. prin. [illegible] pa. 2. lib. n. 1.

Et [illegible] [illegible] [illegible] [illegible] D. [illegible] [illegible] de anno 1569. [illegible] in favorem D. Lucili, et [illegible] [illegible] et [illegible] pro D. Lucio praesentationis ~~[illegible]~~ non expresse appellatum [illegible] [illegible] esse impetratam [illegible] ~~[illegible]~~ [illegible] esse [illegible], quinimo supponit quod [illegible] [illegible] Lucili, et quod ad praesentationem D. Lucii institutio processerit.

et tanto minus etiam non petatur illa confirmatio ab ordinario post mortem ~~testatoris~~ d. Aldigerij ~~testatoris~~ [legatarij], cum tamen plenis [illegible] [illegible] quod consensus [illegible] [illegible] post mortem testatoris [illegible] praeiudicium heredis [illegible] [illegible] [illegible] ~~[illegible]~~ in d. [illegible] [illegible] [illegible]. Angeli quod est [illegible] in [illegible] [illegible].

et opinio [illegible] [illegible] [illegible] contrarium quod [illegible] consensus [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ praecedit [illegible] post mortem legatarij [illegible] [illegible]; [illegible] [illegible] praeiudicio heredis [illegible] [illegible] [illegible]. 17. [illegible]. i. [illegible] [illegible] [illegible] par. [illegible] lib. [illegible] ib.

[illegible] [illegible] nos non [illegible], [illegible] [illegible] [illegible], siquidem [illegible] ~~[illegible]~~ [legatarij] post mortem legatarij et in contradictorio iudicio cum herede seu fratribus [illegible] [illegible] [illegible] [illegible] Patriarchalem.

Quibus [illegible] non videtur [illegible] seu fratribus [illegible] [illegible] [illegible] praetendere.

Ad [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] non deberet [illegible] [illegible] coram Ill.° d. Patriarcha ~~[illegible] [illegible]~~ ne [illegible] [illegible] [illegible] [illegible] et

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] della [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] nell' [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Patriarchale [illegible] [illegible] [illegible], [illegible] non [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] in [illegible].

Coram Ill.° e [illegible]. Compareuit nob. d. [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible], et [illegible] seu fratribus [illegible] Corporis Christi in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] † [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] d. [illegible] [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~ quod tamen [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Ill.mi ordinarij [illegible] [illegible] [illegible] d. [illegible] [illegible] [illegible] [illegible] [illegible] quod d. [illegible] Ill.° [illegible] [illegible] [illegible] [illegible] confirmare, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

† [illegible] [illegible] [illegible] d. [illegible] [illegible] [illegible]

Pro [illegible] iosepho del Bel | Ds. Malvecius [illegible] locare campos [illegible] iosepho del Bel pro [illegible]

cum Malvecio [illegible]

[illegible] cum ex specificatione [illegible] publici [illegible] et voluntate partium clare apparet [illegible] non [illegible] camporum 3. [illegible] 48. utique locator tenetur praestare mensuram enunciatam et [illegible] minor inveniretur quam fuerit dicta, minui debet [illegible] pro rata, [illegible] enim [illegible] sint [illegible] faciam a locatore inductus ad conducendum, et tantum [illegible] constituendo, quod non fecisset si [illegible] mensuram [illegible], quemadmodum enim venditor tenetur ad ea omnia quae expressit [illegible] qualitates rei venditae l. si venditor et l. [illegible] ff. de aedilic. edic. l. si fundo vendito. ff. de actio. empti. ita et locator, quia in contractu oneroso assertio qualitatis [illegible] ad [illegible], [illegible] et quantitas ut [illegible] dec. [illegible] 327. et ibi notat in [illegible]. [illegible] in casu [illegible] locationem esse factam ad corpus ita ut demonstratio facta mensurae [illegible], si quidem ex contractu locationis apparet [illegible] factam ad mensuram, [illegible] campis [illegible] nullo peculiari nomine vocatum nec per confines describuntur sed tantum per mensuram. [illegible] accedit quod in nominatione mensurae [illegible] locare [illegible] diligentia [illegible] contentus specificare quantitatem camporum [illegible] quarum [illegible] maxime [illegible] fundamento [illegible] dec. [illegible] 103. vol. 3 [illegible] ubi confines designari [illegible]. [illegible] diligentia, et [illegible] etiam minimae partis mensurae [illegible] fundamentum esse factum in sola mensura et non in corpore. ut [illegible]. confirmatur [illegible] quia [illegible] promisisse pensionem 15. [illegible] pro campis [illegible] maxime in [illegible] locis, [illegible], [illegible] in hac provincia [illegible] ubi [illegible] locantur nontamen [illegible] locari ultra [illegible] pro singulo campo unde [illegible] pensio debeat respondere rei locatae [illegible] intelligi [illegible] iosepho del Bel credidisse campos [illegible] locatos.

Non obstat modo [illegible] non posse amplius ad mensuram [illegible] 6. [illegible] post locationem. l. quod si nolit. l. si quid ita ff. de aedili. edi. quia illa [illegible] procedit, quando partes in contractu convenerunt de certa mensura, alias [illegible] de hoc [illegible] intra 30. annos. ita [illegible] de [illegible] et [illegible] dec. [illegible] 347 in fin. [illegible] 38. [illegible] in [illegible] 569. [illegible]

[illegible] quod [illegible] debeat minui pro rata

Margin notes:

T[illegible]. l. [illegible] in prin. ff. de actio. empti. et [illegible]. et l. venditor [illegible] in prin. ff. eo.

Pro [illegible] paternitate P. [illegible] confessionis w Swiedek [illegible] Iehlo

[illegible] formula summarie proponit legitimus [illegible] pro [illegible] P. [illegible] confessionis de [illegible] q. d. [illegible] Baptista [illegible] justitiae ipsi pertinens, [illegible] in [illegible] [illegible] in loco [illegible] [illegible] ad [illegible] w [illegible] q. [illegible] [illegible] de [illegible], [illegible] q. [illegible] Bernardini [illegible] [illegible] w [illegible] q. [illegible] w [illegible] q. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] P. [illegible] semper tamen [illegible] [illegible] [illegible] [illegible] [illegible] P. [illegible] [illegible] [illegible] w [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Pro [illegible] in casu [illegible] [illegible] Tan cuerevit cessit restituendi dat.

[illegible] Seiam filiam suam Sempronio [illegible] [illegible] [illegible] [illegible] [illegible] in domicilio [illegible], [illegible] [illegible] [illegible] Seia mortua est relicta filia superstite, quae in [illegible] [illegible] [illegible] [illegible] Sempronius [illegible] [illegible] [illegible] ad restitutionem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] Seia filiam suam Sempronio [illegible] [illegible] [illegible] restituendo eam [illegible] [illegible] [illegible] [illegible] [illegible] domicilio [illegible] Seia mortua est relicta unica filia superstite quae in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] restituendi dat, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] filia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

à patre, et post al. in nu. 1. et 2. et Bar. in l. post dotem. ff. solu. matri[monio]
nu. 28. et Alex. ibi nu. 23. ubi refert de commun. [illegible] ibi
no. 99. usque ad 104. De commun. etiam refert Rol. à Val. de lucro
dotis quaest. 8. nu. 9. et 10. et [illegible] [illegible] conferendo eam quod
[illegible] iuris interpretatione [illegible] habere pro [illegible], [illegible]
pro iure [illegible] [illegible] fuisse [illegible] [illegible] [illegible]
[illegible]. decis. 190. [illegible] [illegible] conferendo [illegible] [illegible]
[illegible] [illegible]. et ipsa [illegible] Martini procedit
non solum ubi pater dedit dotem [illegible] nulla interposita stipulatione
sed etiam [illegible] stipulatus [illegible] [illegible] [illegible] [illegible] restitutionem
[illegible] formam [illegible], vel etiam formam iuris communis, [illegible]
[illegible] [illegible] habet pro iure [illegible] Bal. in l. 12. C.
de bo. quae liber. nu. 1. et 2. Alex. in l. post dotem. ff. solu. matri. nu.
[illegible]. [illegible] etiam [illegible] nu. 9. usque ad 104. et Dessau. [illegible] decis. 190 [illegible]
~~[illegible] [illegible] [illegible] [illegible]~~ formam iuris [illegible]
quod ubi [illegible] [illegible] [illegible] non debet reddere, sed est filius [illegible]
casu nostro nulla [illegible] [illegible] [illegible], [illegible] [illegible] succedit
quia [illegible] descendens succedit ascendens qui est secundus [illegible]
successionis, et si descendens [illegible] [illegible], neque frater, neque mater, sed
solus pater ille succedit omnibus aliis [illegible] [illegible] [illegible]
[illegible] Dertal. neque [illegible] [illegible] [illegible] ante 12 annum
vel post. quia [illegible] [illegible] [illegible]. [illegible] non [illegible] de iure commun[i]
[illegible] [illegible] nemo [illegible] contrahens restitutione
non [illegible] [illegible] [illegible] illa [illegible] [illegible] de lege intelligi de legi[bus]
[illegible], quia si intelligi non [illegible] [illegible] [illegible], [illegible]
loci contractus, [illegible] ~~[illegible] [illegible] [illegible]~~ procedit [illegible] [illegible]
~~[illegible] [illegible] [illegible] [illegible]~~ quod autem debeat intelligi
de [illegible] domicilii [illegible], [illegible] ~~[illegible]~~ in casu de quo [illegible]
[illegible], quia [illegible] [illegible] contrahentes [illegible]. [illegible] debet [illegible]
loci mariti [illegible]. ~~[illegible]~~ [illegible]. Bal. [illegible]. de [illegible]
[illegible], [illegible] [illegible] [illegible] de [illegible]. [illegible] 9. nu. 1. et seq. tamen
[illegible] [illegible] [illegible], ~~[illegible]~~ [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] restitutionis stipulatio [illegible], quia tunc domicilium mariti non inspicitur
sed [illegible] contractus in restituenda dote, et [illegible] Item [illegible]
[illegible] [illegible] nu. 33. [illegible] [illegible] Purpur. in l. [illegible]
[illegible]. C. de summa trin. nu. 106. et 107. ubi refert. de commun. [illegible] à Val.
de lucro dot. quaest. 17. ubi etiam de commun.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] stipulatione [illegible] [illegible] à patre. nu. 1. C. [illegible].

[illegible] procedit ubi [illegible] pater [illegible] dotem [illegible] stipulatione, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] stipulatione [illegible] [illegible], nu. 6 [illegible]. Bal. post dotem ff. solu. matri. et [illegible] [illegible] [illegible] [illegible] dotem [illegible] [illegible] [illegible] [illegible] filiam [illegible] [illegible] nu. [illegible].

Tu: [illegible] procedit in [illegible] stipulatione dote [illegible] reddi.

Pro D. Faustina Pretina bona cum heredib. Sikorii informatio

Et. Ihi de Sabel quid ult. q. Daniel de Forzetha de anno 1588. q. Novemb. emit a Sud. a Reverend. D. Carolo petitis q. Summis indicti de Tignolo livellum repositionem [illegible] sup campo in pertinenz. Tignoli nel loco dt. in Borgobel, a quo ult. nulle possiderent ipsius heredes alienationis tenentes, et possidenter d. campo, ut constat instro prod. fol. 13. idem de anno 1588. 13. Mar. emit a Rienne q. indicti de Tignolo aliam repositionem livellarem annuum fnt. unam [illegible] [illegible] in [illegible] nel loco dt. Tradolin ut S. Maure ut constat instro prod. fol. 22. ipse tamen in partem tam de livello [illegible] + fnt. [illegible] domicilium campus in Borgobel, sed quia in partibus ad vicem de [illegible] processione exigent. Intentantur illi [illegible] pessimalia e fnt., propterea fuit productum et illud instrumentum acquirente [illegible] [illegible] tantum quantitas competentis ex presonali instrumenti [illegible].

Letitulo ipsum consta e instri. instrumentum, continetur de quibus processione exigent mediante [illegible] partibus fol. 4. et fol. 17.

D. Daniel qui livellum acquisivit decessit relictis D. D. Pompeo pretina eius filio, procreato ex Marco [illegible] superstitis D. Luce, Pretina, et ortam filiam procreatam ex alia D. Faustina eius uxore, et in [illegible] [illegible] ut constat e arbore producta fol. 22. ac [illegible] inde [illegible] decessit et D. ortam unam ex [illegible] [illegible] filiam et heredes D. D. Pompei [illegible] condito testamento, in quo usufructum [illegible] [illegible] reliquit ult. D. Faustinam eius matrem. ut constat e testo prod.to fol. 16. +

Tunc quasi iniit [illegible] Peterinorum [illegible] et [illegible] D. Orsena [illegible] qua continet livello [illegible] [illegible] et heredes q. [illegible] della [illegible]

inter quas iniit [illegible] [illegible] heredibus D. Pompei [illegible] parte [illegible] D. Faustina ut constat fol. 14. + in qua 2a parte continetur livello [illegible] [illegible] et heredes q. Aloysij della Spinza ut fol. 13. + quorquidem D. Faustina [illegible] [illegible] [illegible] per plures annos illud livello ut constat e partitis productis fol. 17. + [illegible] [illegible] in omnia [illegible] [illegible] ad [illegible] [illegible] personam [illegible] Faustinae in partem ultimo [illegible] ad eius creditur multis livelli, principaliter [illegible] [illegible] fecit sequestrum sup campo in Borgobel domicilio, qui possidebantur, praecipue [illegible] [illegible] [illegible] heredes q. D. Bernardini Bissoni, [illegible] tamen [illegible] nec decennium [illegible] ipsum livellum [illegible], et [illegible] tempore [illegible] [illegible] [illegible] fuit [illegible] [illegible] [illegible] Bissonii [illegible] [illegible] D. Faustinam in petitionem ut patet e suis fol. 11.

[illegible] [illegible] [illegible] petitur [illegible] in [illegible] [illegible] heredes Bissonii [illegible] [illegible] nec possesses bona [illegible] [illegible] [illegible] [illegible], nec [illegible] [illegible] [illegible] [illegible] [illegible] ut fol. 1

[illegible] [illegible] [illegible] [illegible] declaravit [illegible] [illegible] fol. 8. [illegible] [illegible]

apparet ex processu illam unquam exceptionem in medio attulisse quippe cum
careret omni iure, unde condemnari debent ad petita pro ipsis domo fructibus
et expensis, quia et parte adversa continet de titulo et de gabellis multa contra
contra etiam ~~[illegible]~~ de onere impositis ... campo, [illegible] tenenus
et pendencis, contra etiam quod possideri unde plene est fundata intentio ad
[illegible] ~~[illegible]~~
[illegible] censu solvendi omnis expensis ... [illegible] possessor tum pro perso-
[illegible] quam pro [illegible] census [illegible] tutelam, vel fiscus, et ille
tertius possessor conveniens pro censu non potest opponere exceptionem [illegible]. decis. 3.
n. 6. et [illegible] quod tamen [illegible] [illegible] [illegible] relationis
M. e. t. et M. [illegible] [illegible] [illegible] venisse condemnandi ad petita pro
[illegible] et expensas.

Pro quis Comitis Dulcina et quis Bratachis
Petitio
[illegible] fori
[illegible]

Legitimus interveniens pro [illegible] ~~[illegible]~~
[illegible], et [illegible] Comitis Dulcinis [illegible] Albert. [illegible]
Mag. [illegible] [illegible], [illegible], et Martin [illegible] [illegible] Mag.
[illegible] [illegible] de Comitis ... [illegible] petitionem
quam [illegible] [illegible] [illegible] [illegible] [illegible] in calce
[illegible] petitionis [illegible] [illegible] Mag. [illegible]
[illegible] Comitis Comitis [illegible] Dulcinis, [illegible] ~~[illegible]~~
[illegible] die 14. [illegible] pro [illegible] [illegible] in [illegible]
[illegible] die 20. [illegible], [illegible] fuit inclusa in [illegible] Concil.
[illegible] tamen [illegible] ut [illegible] pro inclusione in [illegible]
pro [illegible] raris [illegible] in [illegible] ~~[illegible]~~
~~[illegible]~~ [illegible]
[illegible] [illegible] [illegible] [illegible] Concil.
et [illegible] etiam [illegible] [illegible] [illegible] eodem fideicommisso
[illegible] [illegible] Mag. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Concil. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] nihil [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], quaestio
[illegible] [illegible] [illegible] [illegible] [illegible] pro Mag.
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] qui [illegible]
[illegible] [illegible] [illegible] [illegible], [illegible] [illegible]
omni [illegible] [illegible] [illegible], [illegible], [illegible] [illegible] Mag. [illegible]
[illegible] condemnari debebit [illegible] [illegible] [illegible] [illegible] petitione

Tullias petitae, [illegible] [illegible] Mag. [illegible] Bratachi

et aliis passim in processu [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]

Pro RR. DD. Mario Vita, et Hieronymo Schierca Canonicis Sub Appellatione allegata.

RR. DD. Marius Vita, et Hieronymus Schierca Canonici [illegible] privati fuerunt suis Canonicatibus ac omnibus aliis Beneficiis à R. [illegible] [illegible] [illegible] et Ill.mo Nuntio Aplico [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellatione [illegible] [illegible], ut etiam voluerit R. [illegible] [illegible] in expensis condemnare, et [illegible] [illegible] [illegible], [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] recedere à Civitate [illegible] [illegible] [illegible] [illegible] [illegible] Ordinarij, ~~[illegible]~~ et [illegible] [illegible] [illegible] [illegible], siquidem illius [illegible] [illegible] erat propter pestem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] beneficiis [illegible] [illegible] forma [illegible] [illegible] Tridenti. [illegible] [illegible] cap. [illegible] [illegible] [illegible] quod [illegible] à [illegible] [illegible] ultra [illegible] [illegible] pro anno [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] eodem anno [illegible] [illegible] [illegible] [illegible] [illegible] appellatione [illegible] [illegible] ad Sedem Aplicam, [illegible] R. D. [illegible], cum clausula quod [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] termino ad [illegible] de appellatione, [illegible] [illegible] prosequutione, [illegible], et [illegible] quod [illegible] [illegible], et [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible]. [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] appellationis [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] Aplico [illegible] [illegible] ad 6m.

Pro matrimonio
Libellus

Summarie proposuit Magdalena relicta q. Dominici del Moro de Padua cum Andream q. Nicolai del [illegible] de ead. loco invicem contraxisse sponsalia de matrimonio contrahendo, subsequutis arrhis, quod ea de causa non fuit tunc in faciem Ecclesiae celebratum, quia nondum erat lapsus annus a morte q. mariti. Narrat insuper sponsalia haec fuisse saepius postea reiterata non solum mutuis promissionibus ac arrhis et annuli impositione, sed etiam copula, quibus tamen omnibus non obstantibus d. Andreas immemor salutis aeternae videtur a fide data velle resilire in grave praeiudicium honoris ac famae ipsius mulieris dum propterea diffamata remaneret. Ideo d. Magdalena implorato iustitiae suffragio petit ipsum cogi, et compelli ad matrimonium sponsalitium initiatum perficiendum in faciem Ecclesiae iuxta decreta sacrosancti Concilii Tridentini, petendo in praemissis, et circa ea, fieri iustitiae complementum.

In causa matrim. [illegible]

Supposita affinitate in 3° et 4° gradu cuius nullam unquam notitiam habuit Magdalena, quovis modo ab Nicolaus qui cum ea contraxit sponsalia per verba de futuro subsequuta copula potuit isto affinitatis praetextu se subtrahere ab illa promissione, ita ut nequeat ad perficiendum matrimonium cogi.

Et concludendum est non posse se subtrahere quia impedimentum in isto gradu est dispensabile. unde qua ratione movetur Summus Pontifex ad dispensandum ne mulier diffamata remaneat, et ex illa causa dispensationem concedit, ita moveri debet iustitia in praesens ad cogendum ut praevia dispensatione contrahat ne mulier diffamata remaneat.

Nam ista sponsalia non sunt nulla ex defectu consensus, sed propter impedimentum affinitatis ut habetur in c. i. de sponsa. impub. unde eo impedimento affinitatis sublato, ex consensu vigente durat vis? [illegible] matrimonium ita [illegible] debeat.

Confirmatur hoc, quia sponsalia nulla magis invalida esse possunt quam quae fuerunt concepta sub conditione pendente seu sub conditione, quia interim nec consensus quidem convenit; et tamen si quis contraxerit sponsalia sub conditione separata consentire ante conditionis eventum de sponsa tamen cognoscit sic aliter perinde ac si pure consentiret. c. [illegible] de condit. [illegible] copula in hoc casu operatur ut quis recedere non possit a sponsalibus conditionatis. a fortiori operari debet in casu nostro in quo non sunt conditionata

nec ~~aliud~~ impedimentum tale quod sola voluntate contrahentium et deliberantium
petere dispensationem, non obstante.
Alias sequeretur absurdum, quod Nicolaus qui hoc ~~[illegible]~~ ab initio [ipse confessus fuerit] licentiam de
modo reportaret cum [illegible] in l. [illegible] de eo quod [illegible]. ut nihil quam plus [illegible]
et quod mulieri quodammodo iniquitatis perlecessit non fuit hoc ~~[illegible]~~ [illegible].
[illegible] in c. discretionem in fin. de eo qui cognovit [illegible]
Et hoc exceptio potest militare pro muliere non autem muliere arg.
[illegible] dicunt [illegible] quod [ni] possibilis dispensatio [fuit] per inimicitiam supremam
quod hoc exceptio competit invitato, non autem invitanti.
Cum sic mulier sit parata petere cetris [illegible] [illegible] dispensationem
non potest nec debet [illegible] ut Nicolaus ~~qui~~ [habeat] ea respuere et illam ponere.
[illegible] quia hoc mulier diffamata remaneret, et [illegible] [illegible]
[illegible] [illegible] [illegible] condicionis.

Proclama

Dennet Nicolaus de [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

Tenore praesentium per [illegible] nostrum [illegible] [illegible] [illegible]
reperiri poterit, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
requirimus, et monemus

Praesbiter Gaspar Martinus Plebanus [illegible] [illegible]
quatenus coram nobis personaliter ~~[illegible]~~ compareat et in [illegible] [illegible]
se constituat infra peremptorium terminum dierum [illegible] [illegible], et [illegible]
[illegible] in processu cum ipso mandato nostro [illegible] ad querelam
[illegible] [illegible] [illegible] de [illegible], et Magdalenae eius filiae, [illegible]
[illegible] [illegible] quod idem praesbiter Gaspar non [illegible] [illegible]
fuerit de [contradictione] processibus, ac condemnatus, [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] fuerit [illegible] [illegible] [illegible]
[illegible] [illegible] praefatam Magdalenam puellam 17. annorum [illegible]
[illegible] [illegible] in [illegible] [illegible], eamque [illegible] [illegible] [illegible]
cum ea copulam habuerit, ~~[illegible]~~, non adhuc [illegible] [illegible] [illegible]
[illegible] [illegible] ~~[illegible]~~ [illegible] de [illegible] [illegible] [illegible]
[illegible] spiritualem in [illegible] [illegible] habeat [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], [illegible], in [illegible] [illegible] populi, [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

T quo ter.º [illegible] [illegible] non comparente ad ulterius expeditionem procedemus per [illegible] [illegible] contumaciam eius non obstante

1688.

Per haver steso d'ontogna no

Allegat.

In homicidij

ad defens

Mano stato d'ontogano è in stato di manifesta assolutione contrastando chiaramente si procede ch'egli ferì penditt Caniola, è necessaria difesa non della robba, non dell'honore, non del parente né quali casi ancora è lecito il fatto, ma della propria persona constituita in evidente pericolo, mentre si vidde venire addosso con le armi un'pianamo Girolamo inconico, perche mai haveva voluto rappacificarsi, et accompagnato da uno ... che la natura ha data per indirizzo anco agl'animali ... il legislatore con parolle bellissime l'ha espresso nella L. si quis persussor C. ad L. Cornel. de sicar. mentre dice, si quis percussorem ad se venientem gladio repulerit non ut homicida tenetur, quia defensor propriæ salutis in nullo peccasse videtur.

Che stato sia stato provocato, insultato, et prima ferito dal Caniola ... ... Domenico ... ... testi ... difesa, mentre dice ... Caniola, che dava ... ... il ... ... amico, ... il qual ... haveva allora ... ... nella ... che haveva ... di un ... et poi soggiunge che il Caniola haveva ... la spada, et con quella tirò un colpo d'esso ... ma ... lo riparò con la ... et nel riparar esso ... vi ... nella ... Caniola

Il che viene confirmato da Giacomo ... a testi ... difesa ... cap. mentre dice ... ... Nicolò di ... ... testimonii, ... credere molto più a quelli ... Giacomo ... ... più verisimile che l'aggressore il quale viene ... ... verità il medesimo Giacomo di ... ... et ... ... non ... il beneficio dell'assolutione ... non tenetur quis expectare quod ... ... communemente ... ... nella L. 1. C. unde vi. n. 18. et ... ... in ... contingentia ... ... quod ... ... n.° 33. ... ... si quis persussorem. C. ad L. Cornel. de

Testimonij ... ... della difesa ... ...

... et ... ... quod non tenetur quis expectare quod ... ... si quis percussorem ad se venientem gladio repulerit ... ...

Per seguito proede risposta d'un fatto che venga contra molto più deve procedere rispetto à quel che accompagnò un avversario

ciò probari aliquid fuisse in periculo vitae sufficit probare quod eius adversarius venerit armatus ad ipsum secondo la dottrina [illegible] dal Far. [illegible] Homicid. q. 125 n. 26. [illegible] di adversario, [illegible] che più volte rammentare di offendere [illegible] (agnelo et in particolare un giorno nella [illegible] [illegible] con un archibugio come depongono i testimonii à difesa sopra il p.° cap. et come che [illegible] più volte fosse giunto mai senza vedere [illegible] come depongono i testimonii à difesa sopra [illegible] cap. [illegible] mercato si vedeva venire armato et accompagnato da satelliti, onde [illegible] temere che un'animo pieno di mal talento, et [illegible] di privar di vita il padre, [illegible] [illegible] se la mano di dio non l'avesse difeso, perche [illegible] quattro ferite [illegible]

[illegible] possa terminare [illegible] ad [illegible] interficere procede secondo li ordini [illegible] [illegible] possa [illegible] non teneatur fugere [illegible] periculum [illegible] [illegible] come dice il [illegible] secondo la [illegible] Homicid. n. 25. et il [illegible] q.° [illegible] n. 3. [illegible]

È più dal processo apparire che [illegible] quando fu [illegible] [illegible] de' [illegible] che non [illegible], come depongono sopra il p.° cap.° della [illegible] il [illegible] et il [illegible] et [illegible] lo dimostra [illegible] medesimo, [illegible] [illegible] [illegible] et [illegible] fu ferito come [illegible] Bernardino [illegible] sopra il 2.° cap.°

Non è [illegible] ancora opporre [illegible] che non [illegible] fatta la difesa con moderamine inculpatae tutelae secondo che dicono i dottori quod adveniret quis aliqua poena non punitur quando hominem interfecit ad suam defensionem, quod defensio illa debet esse cum moderamine inculpatae tutelae, quod quidem moderamen consistit circa [illegible] modum tempus, et causam, modum ut eodem genere armorum quo quis percussus fuit eodem genere [illegible] defendere, tempus [illegible] defensio [illegible] [illegible] [illegible]; causa quod [illegible] defensionem, non ad [illegible] de quibus [illegible] in [illegible] [illegible] 3. par. defensio. [illegible] [illegible]. [illegible] riguarda [illegible] in [illegible], [illegible] [illegible] [illegible] [illegible], [illegible] difesa non à vendetta, perche [illegible] ferita, et [illegible] [illegible] quattro. anzi è [illegible] per essere [illegible] da più d'un'uomo, et da un'[illegible] acerbo, et implacabile, che [illegible] [illegible] difendersi [illegible] come [illegible] [illegible], [illegible] quando [illegible] [illegible] [illegible] et robustior, nel [illegible] [illegible] [illegible] licet se defendere come dice il [illegible] nel [illegible] [illegible], sebenche i dottori [illegible] quod [illegible] [illegible] non [illegible] quod [illegible] [illegible] [illegible]

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aliis extraordinariis, puniri
si debet probare ad necessariam defensionem, vel ~~simplicem defensionem~~,
~~quod eam tamen fecerit cum modo~~ nihilominus fecerit cum moderamine inculpatae
tutelae, quia hunc illa etiam cessat omnino debet abstineri; nondimeno stato per ogni verso
è in atto di total assolutione, perché quando dal processo non constasse la necessità
della difesa ma semplicemente la difesa, havendola fatta con moderamine
inculpatae tutelae come dalle sopradette considerationi manifestamente si
raccoglie deve esser del tutto assoluto. ma tanto più si apparendo chiaro d'esser
[illegible] à necessaria difesa, et cum moderamine inculpatae tutelae. perché nella
~~[illegible]~~ perché i Dottori dicono quod tunc necessaria defensio
probatur, quando probatur quod fuit aggressus, quo casu ipso aggressori, et provocanti
imputatur, vel si probatur quod prius praecedebat inimicitia, vel quod incepit
[illegible] provocavit ad rixam, vel causa fuit rixae; vel si fuerit plures ex una parte
et pauciores ex alia, plures praesumuntur aggressores, [illegible] is qui cum armis
[illegible] [illegible] praesumitur ab altero insultatus, is qui confugit ad [illegible], et
[illegible] se retrahendo, et clamando, nam per talem retractionem, et fugam praesumitur
insultatus ab alio; is si plures intervenerint [illegible]; le quali considerationi
sono [illegible] dal [illegible] nel presente processo: [illegible] è una concorrenza
nel [illegible] appare dal detto di tre testimonij, due di difesa, et uno d'offesa
d'esser stato [illegible], e ferito, et benche un'altro solo dica d'esser prima a ferire nondimeno
pel medesimo [illegible] [illegible] fù primo à cavar la spada dalli pendoni, et
commenciar à [illegible] [illegible] [illegible] ch'era solo et [illegible], che la
[illegible] [illegible] [illegible] [illegible] d'un [illegible] d'[illegible]
[illegible] [illegible], [illegible] [illegible] l'[illegible] [illegible] volle, [illegible]
[illegible] quella ferita [illegible] [illegible]. [illegible] la [illegible]
[illegible] havendo altre volte [illegible] d'[illegible], se mai havendo voluto
far pace. per le qualificationi egli deve [illegible] come [illegible],
[illegible] [illegible] [illegible] conformandosi alla dispositione della ragion
commune et à tanti esempi [illegible] [illegible] nelli casi [illegible];
Ma quel [illegible] [illegible] sempre più [illegible] quando [illegible]
[illegible] nome [illegible] [illegible] [illegible], et [illegible] alle [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], alla pace [illegible]
con tutto che alla [illegible] il [illegible] mai [illegible] volse [illegible] il contenuto
del [illegible] per lui [illegible] di quella ferita per quali [illegible] mortale, alli [illegible]
[illegible] nell'infermità, et nella [illegible] alla causa [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
alla [illegible] di Palma, et [illegible] alla [illegible] d'esser [illegible] et della
propria innocenza, [illegible] [illegible] [illegible] [illegible] [illegible] nelle
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] che
[illegible] [illegible] [illegible] [illegible] di perdere [illegible] la patria [illegible]
[illegible], [illegible] [illegible] [illegible] misericordia [illegible] miracolosamente [illegible]
[illegible] [illegible] mani [illegible] [illegible] [illegible] [illegible] delle carceri [illegible]

Pro Nicolao Borsch ge[ner]osis w Strzyże [illegible]

Nicolaus Borsch, et [illegible] liberi [illegible] depone[nt] [illegible] parte et nomine Joannis Petri Strzyż [illegible], atq[ue] simul aliis [illegible] ipsi [illegible] producti, acceptuq[ue] favorabili [illegible] reliquis [illegible] reiecti, an nullo modo [illegible] [illegible] in fine non [illegible] producti, ac sententia aliasq[ue] inter [illegible], quod nihil valoris habet ad hac causa, dixit ipsos [illegible] esse ad nullius [illegible] culpa dijci petiit, nisi forsan quod aliis [illegible] [illegible] [illegible] [illegible] se [illegible] fuerint ad [illegible] nihilominus [illegible] [illegible] ipsius [illegible], quamvis [illegible] fuit nihil [illegible] habeat cum presenti contentione [illegible] occasionem tamen S. Joannes Petrus [illegible] aliquam tandem pecuniis e manibus [illegible] [illegible] bonam fidem, atq[ue] [illegible] quia [illegible] [illegible] penes se homines, et [illegible] abundare [illegible]. ea propter [illegible] [illegible], [illegible] se ab [illegible] [illegible] concepta, semper [illegible] [illegible] [illegible] Joannis Petri w [illegible] [illegible]

Pro Josepho Magnaszalsko w. D. Carolo Cornelli [illegible]

Joseph Magnaszalus indefensus condemnatus fuit a primariis iudicibus ad [illegible] D. Carolo [illegible] [illegible] 1670 [illegible] [illegible] [illegible] [illegible] [illegible] mediante [illegible] [illegible] [illegible] et receptis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]: [illegible] quia [illegible] multos [illegible] [illegible] [illegible] [illegible] [illegible] ipsius D. Caroli nullo [illegible] [illegible] parte ~~[illegible]~~ [illegible] qui illius [illegible] explicare potest, ideo [illegible] [illegible] [illegible] [illegible] et videatur an sit erratum in calculo necnon [illegible] calculatores [illegible], [illegible] D. [illegible] debeat edere [illegible] partibus [illegible] [illegible] calculis [illegible] esse Joseph [illegible] bonam fidem, et [illegible] [illegible] [illegible] [illegible] ulteriori contentione. [illegible] [illegible] [illegible] [illegible] [illegible] appellat

Pro Rev. Patre w [illegible] valentis [illegible]

Petrus Prampery

Stephanus
ille probatur filius Petri ex
inventario 1520 [illegible] Maij fl. 4.
[illegible] inventario 1523. fl. 7.
[illegible] probat [illegible] fuisse [illegible]

Sepsimus
ille probatur filius Petri
ex inventario 1523. 30
Junij fl. 7. [illegible] in [illegible]
[illegible] Ricardus q. Se-
psimi [illegible]

Ricardus filius Sepsimi
probat ex inventario 1523
30. Junij fl. 7.

Ricardus
ille probat filius Petri
ex inventario 1520 ult.
Maij. fl. 4.

Andreas filius Ricardi
ex inventario ult. Maij
1520. fl. [illegible]

Joannes [illegible]
filius Andreae ex inventa-
rio 1541. 7 Junij fl. 9.

Joannes Antus
filius Petri probat ex inventa-
rio 1523. 30. Junij fl. 7.

Joseph

Thomas
[illegible]

[illegible]
[illegible] Joseph et Thomas [illegible]
[illegible] filius Thomae
[illegible] fl. 13.

+ cumulla fuerit minima, quia nemo eloquid emendo fundi colonus … pecuniis … pro … non pro pecunia, unde relata pecunia …
… d. completa … et … emptor …

falsum se habet quod de anno 1489. … Aprilis. … 9. d. Ioannes de Pompeyo emit a … 9. … de Murano … petiam terre … camporum pretio … quia … capitaneatus … libere … annos … ut fol. … licet … fuerit … contemplato … verbo non, ut hic appareret, ad annos 4 … unico … Cardinus … semper … prestatione … solvendo … in …

… medio … ad … annos … et solutione … et praescriptis … colonie, quod … pretio 20. … ducati … de agri … census.

De anno 1567. 8. … d. … de Pompeyo … d. … pecuniis … pro retinenda … officio … de Murano … fol. 9. … de anno 1600. … ut fol. 13. … morte … finem … videre.

Ubi Nob. et R. d. Ioannes Franciscus de Pompeyo … feudali … fol. 9. … vendidisse … fol. 13. … d. … Mag. Valerianus … et … eius … ad retinendum … conserva: … proprie …

quod ipse … conscriptus … superioris … requisita, patet … supra scripta

Res … et … quidem … fuit pensio … et in specie … debita … livellaria … ad … fol. … unde … rebus livellarie … conso… et in … scriptura fol. 13. et alia … ut fol. 24. … quibus … immunes … Nob. et R. d. Ioannes Franciscus ad retinendum … conscriptus … fol. … et naturalis, quia … d. Felicis … fol. 11. … conscriptus … et … constitutione … fol. … illius requisita.

Nam constitutione … clare … quod … vendet … dominij … vel … vel quasi, vel aliquod aliud ius quod habeat in aliqua re immobili … generalis … aliquid aliud …

fol. 5. … anno 1511. …
… quando emit … completum … pecuniam …

Et hoc est in … quod quando … emit a d. … de Pompeyo …

Et de anno 1568. 24 Aug. … Mag. … Cardinus … solvebat … de Murano … ut fol. 9. …

… qui … debitum … fol. 315. vol. 3.

… intendens vendicare … ipsam …

… 1534. 18 …
… 1554 …
… 1550. 26 … 26.
… de proposito.

Non obstat modo quod dicitur pensionem istam fuisse livellariam et francationem [illegible], quia non est intelligens hoc esse verum. Nam si inspiciamus primum instrumentum anni 1489. fl. 25 aperte patet [illegible], quod Auctores D. Iulij de Brampeys emerunt proprietatem fundi quia ita narratur in instrumento, et quia etiam emptor inscriptus fuit omnes solvendi denarios 6. Capitaneatui Vicentino et debet fuit in [illegible] ad [illegible] tenutam [illegible] [illegible] postea [illegible] [illegible] [illegible] fuerit pro [illegible] [illegible] livelli venditi, quae [illegible] [illegible] emptor mente, non tamen propterea venditor fuit contractus, quia venditio nunquam [illegible] [illegible] [illegible] [illegible] l. [illegible] [illegible] de [illegible]. et quia multoties evenit ut coloni dilatione [illegible] in [illegible] rei conductor in ut propterea datur [illegible] [illegible] [illegible] l. [illegible] [illegible] de [illegible] et [illegible]: [illegible] qui [illegible] mentio in [illegible] [illegible] [illegible] in pensione intelligatur praescripsisse [illegible] [illegible] [illegible] in [illegible] non potuit.

Praeterea si [illegible] [illegible] responsio livellaria solvitur fuisset in pecunia, et non in [illegible] specie, attamen expresse negatum fuit in [illegible] fl. . . nunquam fuisse solutum in pecunia, neque [illegible] [illegible] qui [illegible] habere receptum [illegible] quod [illegible] [illegible] [illegible] [illegible] D. Iulij [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], qui [illegible], et [illegible] qui emerunt contractu professi [illegible] in omnibus instrumentis. et [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible].

[illegible] hoc manifeste in instrumento 1563. 18. Novemb. fl. 26. in quo [illegible] vendentes partem illius fundi Mag. [illegible] [illegible] [illegible] [illegible] specificant diversa onera quibus est affectus fundus [illegible] D. [illegible] [illegible] pro l. [illegible]. [illegible] [illegible] [illegible] pro l. [illegible] [illegible] [illegible] pro l. [illegible] [illegible] hoc esse francabilia; sed hoc non dicunt de affictu [illegible] debito D. Thomas [illegible] de Brampeys, [illegible] supponentes illum infrancabilem [illegible] [illegible] [illegible] [illegible] venditum.

Hoc etiam apertius [illegible] [illegible] instrumento 1568. [illegible] fl. 27. [illegible] in quo [illegible] vendentes aliam partem fundi [illegible] [illegible] [illegible] [illegible] dicunt eum onere solvendi [illegible] [illegible] [illegible] de livello [illegible], et D. [illegible] de Brampeys [illegible] de livello [illegible]. et [illegible] Martini [illegible] [illegible] de livello [illegible] [illegible] vero [illegible] [illegible] debito D. Thomae de Brampeys non dicunt amplius de livello, unde datur intelligi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de anno 1567. fl. 19. [illegible] [illegible] [illegible] non dicunt [illegible] l. [illegible] D. Iulio de Brampeys

Et quae dicuntur [illegible] [illegible] [illegible]

quam [illegible] [illegible] [illegible]

Tenentur alios, sed intra ipsos [illegible] [illegible] [illegible] fundi, et [illegible] [illegible] [illegible] unde non [illegible] [illegible] [illegible]

Tet. de franchisi... librum determinare ... Dr. rer. agri ... pars ... fuerit in acquisitione ... filij de anno 1479. non autem ... 1612

pro franchisione, nec emere libello, sed affictu ut patet ex lectura instrumenti. nec venditores. ut ipsum ipsi ... et ex auctores semper ac mentionem facere illis contingit de hac re loqui ... illa expressione pro affictu. et generaliter alia mera ea expressione de libello non est ... quin optime ... terminos. ... in praesenti respectiuo ... libellariam ... mero consilio, aliter venditio.

Non obstat etiam dum dicitur quod personarum fundi factum ... Cardini ... terminando ... siquidem ... acquisitionem dominij confundi ... ff. l. ... communi. ff. de ... communi. ff. de ... quia respondet quod hoc procedit respectu eiusdem personae ... rationem supra allegatam ... propria alieni ... non autem respectu diversae personae quae ... militare, et respectu etiam ... quidem ... irremeabilis acquisitio ... dominio, ... revocabilis. et pono exemplum de facili contingens, nempe quod Cardini hypothecam

Sempronio de anno 1560 fundum istum, ... quem postea de anno 1568. vendidit ... hypothecam ... Cardini, ... Sempronius evocaret fundum ... quod ... propter prioritatem hypothecae, ... salvum remaneret Cardinis ... respectu ... unius cum dimidio ... ius ... de Dampeyo, cuius acquisitio est de anno ... l. ex facultate. ... ff. de excep. rei iud. ... ff. de reg. iur. quia dominium quod est revocabile non attenditur, ut per Decia. in cons. 48 ... ibi ... ipsum ius ... non confunderetur quoniam remittere ... amissa proprietate, ... multo minus confundi debet ... irrecuperandi habentis, cuius respectu ... omnia contraria quod respectu eiusdem subiecti militare possent.

Non obstat etiam ... cons. de Agra. et tibi. se ipsum limitare in ... vere ... ut non habeat locum ... dominum habentem ... recti dominij ... renunciatione ... libellario, sed praeferatur dominus proprietatis volens emere omnibus ... et vicinis: quia ... in hac parte nullo modo ... quidem loquitur in emphyteuta ... quem ... dominus; ... vicinis, et ... emphyteuticarius ... praeferri dominus directus volens ... quod ... de natura emphyteusis ... quae retinetur ... est, ut ... emphyteutam ... praeferatur directus dominus. l. ult. C. de iur. emphy. ... consilio nostro de Agra. et tibi. in fine tenet Decia. cons. 486. ... 13.

Praeterea ... Dampeyj ... directi domini, Cardini vero libellarij, penes Dampeyum directum, penes Cardinos utile dominium, quod patet ex forma venditionis ...

A Cardinalis Cent[illegible] [illegible] fl. 26 [illegible] dare, vendere, cedere, et renunciare [illegible] Cen[illegible] omnia iura, melioramenta, et actiones quae [illegible] venditores [illegible], quibus fuerit [illegible] proprietatis fundi [illegible] [illegible].

[illegible] [illegible] de anno 1568. 24. [illegible] fl. 29. [illegible], vendiderint fundum [illegible] quo [illegible] respontione [illegible] [illegible] [illegible] Rampergys [illegible] Valentini [illegible] [illegible] vellent illi qui [illegible] [illegible], vel [illegible] [illegible] ad recuperandum a [illegible] Rampergys [illegible] Rampergi tamquam [illegible] praeferenda [illegible] [illegible] non vendicet.

Sed hic nullus [illegible] contentus [illegible] debere esse de [illegible] sed Rampergi [illegible] volunt recuperare ius vendi[illegible] [illegible], quod sive sit directum, sive utile, sive [illegible] quovis nomine appellatum est recuperabile, quia [illegible] [illegible] quod [illegible] [illegible] [illegible] in principio [illegible] [illegible] [illegible] [illegible] vel quasi [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] ipsos in [illegible] esse proprietatis [illegible] quando [illegible] [illegible] [illegible] [illegible] non [illegible]. [illegible] [illegible] de anno 1568 [illegible] fl. 29. [illegible] et [illegible] [illegible] acquisiverunt [illegible] ius [illegible] D. [illegible] de Rampergo [illegible] [illegible] die 8. [illegible] 1567. fl. 9. [illegible] unde ius [illegible] [illegible] [illegible] [illegible] non [illegible]. Tiraquel. de retrac. convent. [illegible] [illegible] 18. [illegible]. ubi [illegible] [illegible] [illegible] [illegible] quod heredes illius qui vendidit cum pacto de retrovendendo [illegible] [illegible] in retractu, [illegible] quod [illegible] pactum de retrovendendo [illegible] [illegible] non in die contractus, sed [illegible] intervallo [illegible] debeat [illegible], [illegible] [illegible] rei, vel heredes venditoris, [illegible] in [illegible] [illegible], [illegible] ratione quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de retrovendendo, [illegible] est acquisitum ius [illegible] rei retrahendi; unde licet [illegible] [illegible] [illegible], hoc non possit tollere ius [illegible] [illegible] rei, [illegible] [illegible] recedere a contractu [illegible] semel est ius [illegible] [illegible] [illegible] in praeiudicium [illegible] ut ibi [illegible].

[illegible] autem [illegible] [illegible] [illegible] in [illegible] [illegible] Rampergi [illegible] ratione ad [illegible] [illegible] quod [illegible] [illegible] a D. [illegible] [illegible] responsionem illam [illegible] [illegible] [illegible] [illegible] [illegible]. quia [illegible] [illegible] [illegible] est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], quod [illegible] elapso termino [illegible] redimere [illegible] [illegible] [illegible] [illegible] [illegible]. Tiraquel. de retrac. convent. [illegible] [illegible] [illegible]. et Menoch. de arbi. iudi. lib. 2 cent. 3. cas. [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] primo quia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] quia [illegible] ius de anno 1569. [illegible] [illegible] de anno 1567 [illegible] [illegible] 78 [illegible] duplo plus valere debuit, cum [illegible] [illegible] [illegible] excellentius,

De il Curato d'Aglis Difesa

Il R. Pie.° d'Iglis viene calumniato di diverse imputationi cioè d'esser negligente nell'amministrare à suoi parochiani i S.mi Sacramenti della confessione, del Battesimo, communione, et ottema [illegible] di esser solito à tenere meretrice in casa, et in particolare Antonia figliola di Bartolomeo Milocco, che [illegible] à biastemmare et fra l'altre volte una viene nominata d'egli freccendo parolle contra una della villa chiamata il Sguardul [illegible] dette [illegible] le quali [illegible] non sono [illegible], [illegible] non sono ancora legitimamente provate per modo che il giudice possa [illegible] à condannare, le quale deve esser appoggiata al detto [illegible] de testimonij almeno conformi de [illegible], et che non [illegible] [illegible], nè in [illegible] in persona. et [illegible] tutti i testimonij che [illegible] de [illegible] [illegible] che [illegible] [illegible] solamente [illegible] [illegible] che [illegible]

sopra il peccato della fornicatione depongono Battista [illegible] p.° testimonio il qual dice che ha veduta [illegible] del [illegible] in casa del Prete, la qual [illegible] era [illegible] un [illegible] ut [illegible] ij Romano [illegible] di [illegible] 2.° testi. che dice medesimamente di haver veduta [illegible] in casa sua [illegible] ij Michele q. [illegible] [illegible] 4. testi. il quale [illegible] dice che [illegible] [illegible] della fenestra [illegible] il [illegible] di una donna, et che con lei usava carnalmente, ma non sa chi fusse. ij [illegible] Fantino 5.° testi. [illegible] che depone di haver spesse volte veduta Antonia in casa del prete et nella sua camera, et de [illegible] più di tre anni che le [illegible], et che l'ha [illegible] più volte confessare, reconciliare, et communicare dal Prete. ij Domenico di Valentino Sguardulo 6.° testi. il qual dice che [illegible] un giorno in camera del prete una donna, et crede che fusse Antonia perche [illegible] [illegible] poi fu levata dal [illegible]. [illegible] ij [illegible] di Marco [illegible] d'Iglis [illegible] testi. [illegible] il qual [illegible] ij [illegible] di Marco [illegible] [illegible] dice che trovò Antonia in camera col Prete quattro o cinque anni inanti che fusse levata dal [illegible], ij [illegible] del q. Pietro [illegible] [illegible] testi. il qual depone [illegible] il buco del [illegible] haver veduta una donna in casa del prete, ma non sa chi fusse. ij [illegible] figliola di Battista [illegible] 28. testi. il qual depone che una volta vidde Antonia in casa del Prete [illegible] il buco del [illegible], et un altra volta la vidde uscire di casa del prete [illegible] questi testimonij [illegible] non fanno fede [illegible] [illegible] perche sono singolari non [illegible] concorde de [illegible], et [illegible] [illegible] [illegible] che [illegible] fede [illegible] nelle testimonianze singolari [illegible] [illegible] il Bal. nella l. [illegible] col. 2. C. de [illegible]. et perche ciascuno per se stesso patisce oppositione. Battista [illegible] p.° testimonio [illegible] [illegible] medesimo [illegible] inimicitia del Prete, mentre dice [illegible] [illegible], et [illegible] delle [illegible]. Et medesimamente [illegible] Romano [illegible] 2.° testimone [illegible] [illegible], [illegible] [illegible] dice che [illegible] col Prete. Michele q. [illegible] d'[illegible] 4.° testimonio [illegible] dice di esser malissimo sodisfatto del Prete [illegible] [illegible] volena confessare. [illegible] Fantino 5.° testimonio è [illegible] [illegible] [illegible] testimonij [illegible] à [illegible] sopra il cap.° d'[illegible] sempre [illegible] il Prete [illegible] [illegible] [illegible] [illegible] nelle [illegible]. Domenico Sguardulo 6.° testi. [illegible] è anco inimico

[illegible] che anco provano infamia li testimonij [illegible] [illegible] [illegible] [illegible] mentre depongono [illegible] più volte [illegible] [illegible] [illegible] [illegible] padre.

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dd. est.mo medesimo, dice che si ha udito bestemmare col prete. Manca poi di Marco Zinelli 21. test. patisce opposizione di falsità perche si prova per gli atti cancellati della Cancellaria di Cividale, ~~[illegible]~~ de' libri del mese di Maggio esaminato con giuramento afferma che detto [illegible], overo L. Benedetto [illegible] modo, e dell'altro canto il mese d'Apr.e l'anno medesimo esaminato in [illegible] depone il contrario per con giuramento come per gli atti in processo a difesa fol. 29. e fol. 32. [illegible] Battista del q. Pietro [illegible] ipsi. 15. test. [illegible] medesimo [illegible] perche dice di [illegible] dette della [illegible] col prete. il [illegible] 28. fol. [illegible] si prova per la nota della sua nascita cavata dal libro del [illegible], e prodotta fol. 23. t. onde non può essere ammessa a testificare in [illegible], cum testes in criminalibus requirantur maiores XX annis. Paris. cons. 163 n. 7. vol. 4. nè che ~~[illegible]~~ nessun testimonio dice di haver veduto il prete in att. venereo, ne con toccamenti, ne [illegible] ordeti per [illegible] la fornicazione [illegible] che si [illegible] meretrici onde ~~le querele manca d'ogni fondamento~~. E sebene vivo in processo sono prodotte sentenze per le quali appare che il reo è stato [illegible] condannato per haver havuto pratica di donne dishoneste, nondimeno dalla qualità medesima delle condanne si può espormente che non doveva essa commessa ma [illegible] indicia [illegible] nella p.a sentenza viene condannato L. 10. per la sec.a L. 21. e per la 3.a L. 28. e relassato quanto all'imputatione di haver havuto copula con [illegible]. Ritrovata la querela nella parte della fornicatione facilmente [illegible] si risolve nella parte della bestemmia ~~[illegible]~~ perche i medesimi testimoni che di sopra sono stati oppositi per inimici, depongono ancora in questa parte onde non meritano fede [illegible] il p.o [illegible] 4. t. b. [illegible] più che sono anco fra se stessi contrarii perche il p.o test. fol. 4. t. dice che ridando col Sguardul nel suo cortile bestemmò ne volto [illegible], nondimeno ibid. fol. 13. et 14. dice che bestemmò il corpetto [illegible], e che egli solo era presente. e che questo fu nella Braida del Prete, quando [illegible] con Sguardul, dove l'altro dice nel cortile. il 3.o test. fol. 23. depone haver sentito che [illegible] col Sguardul bestemmiasse più tre volte, et [illegible] Pietro q. [illegible] d'[illegible] 2. testim. che depone haver sentito bestemmiare [illegible], dice che è inimico, è anco testimonio ultra [illegible] fol. 47. mentre dopo esaminato una volta ritorna e dice [illegible]. più che chiamato per [illegible] Battista del q. Leonardo di Gregorio 20. testimo. nondimeno questo depone che il prete [illegible] col [illegible], fol. 68. onde [illegible] fede [illegible] dare a questi testimonii inimici, et fra loro stessi contrarii, [illegible] non vedere [illegible]. Resta di discorrere ~~[illegible]~~ [illegible] [illegible] E se bene la querela dice che chiamato a battesimo non [illegible], onde a [illegible]

E se bene i detti [illegible] di quelli [illegible] che [illegible] [illegible] confessione [illegible] nondimeno [illegible] [illegible] non [illegible] [illegible] cap. che [illegible] confessare [illegible] Tonde sebene [illegible] [illegible] del prete ~~[illegible]~~.
Tu [illegible] letto [illegible] non [illegible] per questo che il prete habbi havuto copula con [illegible] che [illegible] meretrice, onde la querela manca d'ogni fondamento.

corse pericolo nondimeno il 18. testi. fl. 65. et 9 fl. 66. esaminati
sopra questo, et il 30. fl. 86 ~~dicono~~ depongono che ricercato dopò à messa à battezzare
[illegible] che aspettasse [illegible] che andasse à casa de [illegible] [illegible] et soggiongono. se
andato [illegible] circa un quarto d'hora, et poi trovò il battezzo onde non si [illegible]
punto in questo che accascato, potendo anco la necessità di qualche [illegible] [illegible]
[illegible] andarà casa medesimamente. benche la querela dica che lasciò
morire miseramente Antonio di [illegible], Piero [illegible], et Michele di [illegible]
nondimeno non è provato, anzi il 14. [illegible] fl. 53. dice che il [illegible]
[illegible] che non era stato chiamato quando non venne à tempo, et quella medesima
[illegible] ch'era stata mandata à chiamare il Prete [illegible] lo haveva ritrovato
in casa. et il 25 fl. 76. t°. dice che il Prete venne subito, et fu [illegible] à [illegible]
[illegible] à tempo. et il 29. fl. 84. dice che da [illegible] che non fu
mandato à chiamare [illegible] che si vede che questa è una pura [illegible]
contro al Prete, della quale quando non se ne [illegible] [illegible] [illegible] [illegible]
[illegible] ma [illegible] che [illegible] Mare detto che la ferita il Prete
et le [illegible] anco [illegible] [illegible], et [illegible] [illegible], et che
con la sua autorità nella villa d'[illegible] è atto come [illegible] [illegible]
[illegible] causa di far querelare di [illegible] M. Pre Daniele, et [illegible] i testimonij
per far esaminare come si provano per le deposizioni [illegible] 6. et 9. [illegible] [illegible]
diverse imputationi le quali quando fossero vere non è possibile che si trovasse
alcuno che [illegible] [illegible] [illegible] di buona vita, [illegible] [illegible]
tenere donne di cattiva vita in casa, come largamente depongono il [illegible]
4. 5. 6. 7. et 9. testi. sopra [illegible] [illegible] [illegible] e molto meno è possibile che
[illegible] [illegible] nella cura per il corso di anni [illegible], essendo massime [illegible]
[illegible] del Rev. Card. di [illegible] come consta dalla bolla della sua [illegible]
prodotta in processo di difesa fl. 29. anzi che questa è una pura e mera [illegible]
[illegible] del detto contro M. Pre Daniele per la causa [illegible] sopra con la [illegible] che ha
pretendere ~~[illegible]~~ di far dicea contraditioni quello che lui medesimo volesse manifesta-
mente si prova [illegible] tutti li testimonij esaminati in questo processo sono parochiani
di M. Pre Daniele, cioè della villa d'[illegible], [illegible], et nondimeno questi medesimi
[illegible] hanno sempre ~~[illegible]~~ ~~[illegible]~~ [illegible] del Rev. Cap.° di [illegible]
che ogni anno [illegible] [illegible] li Beneficij annessi alla mensa Capitolare [illegible]
[illegible] detto Pre Daniele è sacerdote di buona vita che [illegible] [illegible]
[illegible], et con [illegible] universale come consta per fede di [illegible] Hieronimo
[illegible] 1592, et del medesimo 1593. di [illegible] 1594, di [illegible] 1596
di [illegible] 1598. di [illegible] 1600 et degl'altri anni [illegible]
prodotte in processo fl. 34. il qual giudice dunque [illegible] più tosto credere alle deposi-
tioni ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible], che a dice che depongono
[illegible] in diversi tempi [illegible] [illegible] [illegible] [illegible] et [illegible], [illegible]

ressuno di [illegible]. credendo [illegible] queste contrarie à [illegible] et mentendo maggior fede [illegible] senza dubbio [illegible] all'absolutione [illegible] Pre [illegible], come se ne [illegible], et tanto più che ~~[illegible]~~ [illegible] le [illegible] in [illegible] [illegible], [illegible] [illegible] [illegible] dell'[illegible] [illegible] la pena altre volte à lui data da £ 50, d. 31 28, et [illegible] questo medesimo [illegible]

Pro Mag.co Castellano [illegible] — [illegible] per [illegible] ab hac Provincia [illegible] Reip. [illegible] distributis erat in [illegible] debitores, tempore in [illegible] ~~[illegible]~~. Mag. [illegible] Castellanus ~~[illegible]~~, in [illegible] ~~[illegible]~~ [illegible], [illegible] [illegible], in [illegible] [illegible], in [illegible] Belgradi, in [illegible], quo noie comprehenduntur omnes [illegible] citra [illegible] bona possidentes [illegible] pleriq. hine [illegible], [illegible] in [illegible], quo etiam noie comprehenduntur omnes [illegible] bona possidentes ultra [illegible], [illegible] [illegible], [illegible] [illegible] [illegible], [illegible], et alij. ut docent partite extra [illegible] Mag.ca Camera fiscali, et producte fol. 9. et 10. de anno 1570. ut [illegible] Provisor Generalis [illegible] [illegible] D. [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] debitores in [illegible] habere in [illegible] libris, [illegible] Mag.cus [illegible] Castellanus [illegible] in debitores [illegible] [illegible] omnes [illegible] [illegible] [illegible], [illegible] [illegible] est ut [illegible] quod erat [illegible] in plures partitas ut patet [illegible] fol. 2. [illegible] [illegible] [illegible], et [illegible] [illegible] Castellanus, ut patet ex partitis productis fol. 21. et [illegible] [illegible] libris in camera fiscali [illegible] partitas [illegible], [illegible] [illegible] [illegible] [illegible] Mag.ci [illegible] Castellani della Patria unitamente [illegible] [illegible] che [illegible] nella loro casse [illegible] ut fol. 11. et [illegible] etiam [illegible] [illegible] Castellanorum [illegible] [illegible] à [illegible] [illegible] ut patet ex partitis [illegible] ex libris [illegible] productis fol. 11. usq. ad fol. 22. verum cum partite [illegible] temporis istius magna ex parte effectu essent inexigibiles propter [illegible] debiti, quippe [illegible] [illegible] [illegible] Patria, [illegible], et propter ignorantiam bonorum quo [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] colonos [illegible] fuit, ut [illegible] [illegible] in universa provincia [illegible], [illegible] ~~[illegible]~~ [illegible] [illegible] in [illegible] [illegible] ut patet fol. 22. [illegible] fol. 50. [illegible] [illegible] [illegible] [illegible] colonis [illegible] [illegible] [illegible] bonis, ac omnes illi [illegible] [illegible] pro dominis, et ut [illegible] [illegible] [illegible] patet fol. 50. [illegible] [illegible] [illegible] ipsis [illegible] [illegible] illas [illegible] [illegible] [illegible] ad se ipsam [illegible] [illegible] [illegible] possidentes bona [illegible] [illegible] [illegible], et che etiam in [illegible] [illegible] ut fol. 1. [illegible] tamen [illegible] [illegible] de [illegible], [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] Castellani [illegible] non [illegible]

de iure suo exigendi, et [illegible] quasi possessione in [illegible] (ponere) ab omnibus forensibus in hac Dominio, sed etiam in specie [illegible] à multis nominatis in contradictione Communitatis ~~[illegible]~~. nempe à D. Daniele, et Aldorico Balsij, à D. Paulo Vertuo, ab hæredibus q. D. Joannis Baptistæ Corboni, à D. Christophoro Stratoreo ~~nominatis~~ descriptis in pretensa contradictione ipsius Comitatis fol. 6. a. 7. quos solvisse, exstitere in Capitulo Ordinis Castellanorum apparet ex partitis Castellanorum (steuro) fol. 20. t. fol. [illegible] fol. 83 fol. 24. unde [illegible] in [illegible] [illegible] ~~[illegible]~~ [illegible] [illegible] ~~Detinet~~ ex intimationes [illegible] [illegible] contradictione Comitatis Montisfalconi, et declaratione quod à Mag.ci DD. Castellanis petebat [illegible], [illegible] exigendi à forensibus possidentibus bona in territorio Montisfalconi, per [illegible] [illegible] in [illegible] fol. 6. t. ~~[illegible]~~ [illegible] quia hac de causa [illegible] haberi [illegible] omnis [illegible] descriptio, [illegible] [illegible]

Et certe absurdum esset aliud opinari habita ratione quod universæ oppidum Montisfalconi quod est adeo [illegible] ut [illegible] à Cl.mo Rectore [illegible] [illegible] [illegible] ultra d. 66 — ut patet ex ipsius partita exhibita [illegible] [illegible] fol. 4. quam fere eandem (nominatis ex Castellanis) nominati [illegible] [illegible] Castellani [illegible] ut patet ex partita [illegible] D. Comitis [illegible] [illegible] [illegible] d. 43. [illegible] ex partita D. [illegible] [illegible] [illegible] producta fol. [illegible] unde [illegible] Montisfalconi ratione [illegible] etiam forenses ~~[illegible]~~ possidentes bona in eorum territorio ~~[illegible]~~ ipsi [illegible] [illegible], quia [illegible] hoc omnes [illegible] pro eorum bonis fere [illegible].

Son

Sonorando
Sono
So So

Sonorand

Sono